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REPORT TO CONGRESS
on the

HORSE PROTECTION ACT of 1970

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Veterinary Services
Animal and Plant Health Inspection Service
U.S. Department of Agriculture
Washington, D.C.

June 7, 1973

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UNITED STATES DEPARTMENT OF AGRICULTURE

HISTORY OF ACTIVITIES

Upon enactment of the Horse Protection Act of 1970, a study was made of the Act, House and Senate Reports, and hearings held in connection with the Act.

Meetings were held with various groups of concerned individuals (attachment 1) to seek information on possible regulatory procedures. During this process, many concerns were expressed about the impact of the Act on the many segments of the horse industry, including horse owners, trainers, exhibitors, and the many charitable organizations that sponsor horse shows as a fund raising activity. Differing effects on the horse show sponsor and others could be anticipated depending on rules and regulations prescribed by the Secretary (attachment 2 - Section 4(c)).

A total of 19 meetings were held prior to publishing the proposed regulations on July 1, 1971 (attachment 3).

In this first proposal, a sixty-day comment period was provided so that all interested parties would have an opportunity to offer suggestions and furnish the Department with factual evidence to support their views.

Hundreds of comments were received which resulted in alterations necessitating republishing again as proposals on November 5, 1971 (attachment 4).

More comments were received and reviewed, resulting in a few additional changes and the publishing of the presently effective regulations (attachment 5) on February 1, 1972.

With the publication of the final regulations, the Department began its activities to implement the Act. Training courses (attachments 6, 7, 8, and 9) were conducted so that a nucleus of trained people would be available in each State who had an understanding of the Act and its regulations and had some basic guidelines for inspection, enforcement, and reporting (attachments 10, 11, 12, 13, 14, and 15).

Department personnel extended themselves in their enforcement efforts. More shows and more horses were observed and inspected than anticipated (attachment 16).

UNITED STATES DEPARTMENT OF AGRICULTURE

DIFFICULTIES ENCOUNTERED IN ENFORCEMENT

Experience gained through this past year disclosed many problems in enforcing the provisions of the Act. Since the Act includes all horses at most horse shows and exhibitions, as many as 10,000 horse shows and an unknown total number of horses are involved. These horse shows and exhibitions are held primarily on weekends and holidays. Inspection personnel in the numbers desired have not been available because of emergency disease demands and continuing cooperative program commitments.

Limited funds have also hampered the Department's ability to provide inspectors for weekend and holiday assignments because of overtime and holiday pay requirements. The effectiveness of the present program is based directly on the number of horse shows attended. Overtime and holiday pay limit this number. While it was originally estimated that costs per show would be approximately \$500, a study of costs for 440 shows revealed a much higher average. Attachment 17 estimates the costs for various numbers of horse shows and numbers of years it would take, at various funding levels, to visit as many as 1,057 horse shows. This figure (1,057) represents an estimated number of horse shows which our field veterinarians feel necessary to attend to obtain compliance under the Act and present enforcement program.

There is no employee protection provision included in the Act. The Act (Section 5(a)) authorizes inspections, and the House and Senate Reports state that refusal to allow inspection would constitute a violation. However, the Act does not specifically provide any penalties against the person who runs his horse over an inspector or otherwise physically assaults or threatens physical assault against our inspectors. There have been instances of this nature during the past show season.

Technically, inspectors have encountered two major problems. First, the Act speaks of an affected gait. Although much is known about what can be considered a normal gait, many differences do occur between horses. Any champion in any sport is exceeding the norm.

A similar problem exists in determining when a horse exhibits pain, extreme physical distress or inflammation. Thresholds of pain and reactions to examinations vary between individuals in all species of animals.

One of the biggest and most critical problems is the industry's attitude toward soring. The practice of soring has been recognized

DIFFICULTIES ENCOUNTERED IN ENFORCEMENT-CONTINUED

as a problem by the Tennessee Walking Horse industry for many years (attachment 18). Repeated vows of reform delayed passage of Federal legislation until December 9, 1970.

As of this date, the vows of reform are still expressed but always with the mention that the "big lick," or exaggerated show gait, must be retained. Maintaining the big show gait is of primary importance to the Walking Horse industry. If it can only be maintained by soring or "touching them a little," we believe the soring and touching will continue. Repeated requests for boots with no limit on weight or size, because such are necessary to achieve this gait, are made without mention that these extremes can and do hurt horses.

Foals born since the passage of the Act are being shown with rubs, scars, and granulating tissue, demonstrating the severity of the breaking and training methods still being used. These conditions have not been observed by our personnel in breeds of horses other than the Tennessee Walking Horse. However, chains and boots are also used on other breeds of horses as part of their training procedures.

Soring is a practice associated with the highly competitive sport of showing horses. Competition is keen, and each exhibitor wants a method whereby his horse will show a little better than his competitor's horse. This edge has too often been accomplished by soring. As long as the exhibitor or trainer looks toward soring as the way to fully develop a horse for competition, enforcement at an acceptable level will be difficult if not impossible.

The definition of a sored horse (Section 2(a)) has made the preparation of an effective investigative file difficult. This section of the Act states that:

"Sec. 2. (a) A horse shall be considered to be sored if, for the purpose of affecting its gait--

(1) a blistering agent has been applied after the date of enactment of this Act internally or externally to any of the legs, ankles, feet, or other parts of the horse;

(2) burns, cuts, or lacerations have been inflicted after the date of enactment of this Act on the horse;

(3) a chemical agent, or tacks or nails have been used after the date of enactment of this Act on the horse; or

(4) any other cruel or inhumane method or device has been used after the date of enactment of this Act on the horse, including, but not limited to, chains or boots; which may reasonably be expected (A) to result in physical pain to the horse when walking, trotting, or

DIFFICULTIES ENCOUNTERED IN ENFORCEMENT-CONTINUED

otherwise moving, (B) to cause extreme physical distress to the horse, or (C) to cause inflammation.

(b) As used in this Act, the term 'commerce' means commerce between a point in any State or possession of the United States (including the District of Columbia and the Commonwealth of Puerto Rico) and any point outside thereof, or between points within the same State or possession of the United States (including the District of Columbia and the Commonwealth of Puerto Rico) but through any place outside thereof, or within the District of Columbia, or from any foreign country to any point within the United States."

This requires that evidence be obtained to show what specific action had been taken against a horse and that such action was taken for the purpose of affecting the horse's gait.

If an inspector claims the horse is sore, the owner or trainer may bring his own expert witnesses to dispute that claim, and the decision becomes a matter of judgment. Furthermore, in attempting to establish cause, it is often difficult to determine exactly what has made an animal lame.

The most difficult determination is that of intent. It may be perfectly obvious that a horse is lame and sore; but, if it cannot be established that the condition results from use of means applied "for the purpose of affecting its gait," action cannot be taken under the law.

An additional problem has been lack of authority to immediately seize boots and other devices that can serve as evidence of violation of the Act. Problems in obtaining prosecution have been encountered because of this lack of real evidence.

Training methods and showing procedures used by Tennessee Walking Horse enthusiasts have become a diagnostic problem. Horses that have just barely been "touched up" become sore by the use of chains, boots, and other action equipment. Pads used to build up the foot and heel can hide soring methods and, in fact, be a soring method by virtue of misalignment of the foot which inhibits the flexing of the heels, causing contraction. The enclosed foot also creates a favorable environment for an infectious foot condition known as "thrush," which results in a damaged and painful extremity.

The fact that Department inspectors have not had a method whereby some immediate action could be taken to stop the showing of sore horses has been detrimental to enforcement efforts. The fact that exhibitors did not see inspectors do anything positive such as removing horses from

DIFFICULTIES ENCOUNTERED IN ENFORCEMENT-CONTINUED

competition, even though they knew the inspectors were observing sore horses, apparently encouraged a belief that the Act was not effective.

Under the present wording in the Act, the Department is restricted to voluntary witnesses in administrative hearings for imposition of civil penalties. There is no provision for subpoena power in such proceedings.

UNITED STATES DEPARTMENT OF AGRICULTURE

MEASURES UTILIZED TO OVERCOME PROBLEMS

Since it was not possible to attend all horse shows and examine all horses even though the provisions of the Act were applicable to all types of horses, a priority system was established. The main purpose of the legislation, as stated in the House and Senate Reports, was to end the inhumane practice of deliberately making sore the feet of Tennessee Walking Horses in order to alter their natural gait. This type of horse show and this breed of horse was given first priority. Our second priority was shows having classes for all breeds, and third priority was given to all other shows.

Attendance at these shows (attachment 16) by U.S. Department of Agriculture personnel was accomplished by means of contributed time, compensatory time, and paid overtime. As the field inspectors learned more about the practice of soring, they developed greater desire and higher commitment to bring this practice to a halt.

Although there is no provision for employee protection in the Act, which would cover instances previously discussed, no show went unattended because of it. Circumstances required that more than one inspector be present at horse shows; and in many instances, it was necessary to obtain the assistance of United States Marshals for protection purposes (attachment 19). Contact was always made with local enforcement officers present at a horse show at the request of show management. These officers were often of some assistance when crowds of angry owners and exhibitors formed. Officers were forced to clear the show ring of angry spectators at horse shows in Illinois, Kentucky, and Tennessee.

The detection and identification of a sored horse as defined in the Act has been attacked from several fronts. Technical assistance has been sought from colleges, and a relationship established with the Los Alamos Scientific Laboratory for the possible development of new diagnostic methods. The application of infrared thermovision equipment has been studied, using Department-owned horses as well as hundreds of others, in a search for legally acceptable evidence of soring when no visual lesions are evident. As was anticipated, the blatant acts of soring resulting in open lesions with visible bleeding have generally stopped. The more sophisticated methods of deep bruising and possible injection of irritants are now the major problems. Thermography can detect these methods, and is being utilized to show heat changes caused by inflammation. The knowledge gained by the use of such equipment has been and is being relayed to the field men by means of training sessions and other means of communication. A practical disadvantage to the routine use of thermography

MEASURES UTILIZED TO OVERCOME PROBLEMS-CONTINUED

on a large scale is the high cost of the equipment which is presently \$35,000 per unit.

Education of the horse industry with regard to its responsibilities and liabilities under the Act continues to have a high priority. It is necessary for the industry to understand the Act and the regulations so that it knows what is required. We have continued to work with horse industry leaders so that they too could offer guidance through understanding and recognition of a common cause and purpose.

Our continued association with the humane groups has been stimulating and offers the opportunity to pool knowledge and assist in positive program progress.

Department personnel have been active in the National Association of Equine Practitioners and serve on the Horse Show Committee of this organization. The role of the private veterinary practitioner cannot be overestimated and his help can be of inestimable value.

If sore horses can be withheld from the show ring through the efforts of show management, practicing veterinarians, or other means, the practice of soring will come to an end.

Investigative reports are being documented (attachment 20). In lieu of summarily confiscating equipment, which we are unable to do under the Act, we are obtaining several affidavits by Department inspectors to reflect the medical opinion of our experts. In lieu of our inability to subpoena witnesses, we are establishing alleged violation cases dependent upon the U.S. Department of Agriculture observations and witnesses.

To the present time, the Department has not received significant assistance from State employees or officers (attachment 21). Efforts to obtain assistance from the public in developing alleged violation cases have also been unproductive (attachment 22).

The problems associated with the present wording of the Act in establishing cause and intent have been outlined. The Department's position is that there is no apparent reason for using any cruel or inhumane device on a show horse except to affect its gait. Case development is proceeding on this assumption; although, the acceptability of this position in court actions remains to be determined.

UNITED STATES DEPARTMENT OF AGRICULTURE

Horse Protection Act Legislation

On May 2, 1973, the Senate Commerce Committee, Subcommittee on Environment conducted oversight hearings on the enforcement of the Horse Protection Act of 1970. At the hearings, the USDA witness identified areas in which the Act needs to be strengthened if the objective of the Act is to be accomplished. A copy of the USDA witness statement is hereby made a part of this report. In addition to those identified in the witness statement, there are other substantive changes to be considered. A legislative proposal is being drafted for submission to the Congress after review and clearance.

STATEMENT OF DR. FRANCIS J. MULHERN, ADMINISTRATOR

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

U. S. DEPARTMENT OF AGRICULTURE

before the

SUBCOMMITTEE ON ENVIRONMENT

of the

SENATE COMMITTEE ON COMMERCE

on

May 2, 1973

Mr. Chairman and Members of the Committee:

I appreciate the opportunity to appear before the Committee to discuss the Horse Protection Act of 1970. We are concerned about the conditions that prompted this legislation, and we share the intent of Congress in creating the Act.

The inhumane and brutal treatment of horses for financial gain-- or to gain prestige by owning a "winner"--is a problem that all of us involved with animals must share in some degree. As long as owners or trainers can get by with inflicting pain and torment upon their animals, merely to develop a winning gait in the show ring, the tragedy raises questions on our civilized standards as a Nation.

As the Federal agency most directly concerned with domestic animals, we accepted the responsibility for administering the law to prohibit these cruel acts. Unfortunately, at this time the purpose of the law is not being met.

We have tried very hard. Many of us have worked long hours and spent a great deal of effort in both planning and execution. But horses are still being "sored" and shown.

So, Mr. Chairman, for the purpose of getting the facts before the Committee, I would like to report briefly what we have done . . . why we think our efforts are not succeeding . . . and what might be done to correct the situation.

The Horse Protection Act of 1970 is the first Federal law directed toward preventing horse "soring." There had been no previous experience in drawing up or enforcing regulations to provide this type of protection. Actually, the practice started only about 20 to 25 years ago. About that time, it was discovered that soring methods could cause a horse to develop quickly the desired gait that normally takes breeding for genetic traits and years of expert training to achieve.

By the 1960's, many different methods were being used, all of them causing the animal physical pain, distress, or inflammation of the front feet. Trainers found it much easier and much less expensive to use chemical or mechanical means. Horses with mediocre ability could be made to perform in show ring style. Finally, the abuse became so flagrant that the public was aroused to the need for preventing it.

The first bill to provide protection against the practice was introduced in the second session of the 89th Congress and others followed. The Department did not favor these bills--not because we

did not support the intent, but because of administrative problems we foresaw in the law as proposed. In addition, we also believed that many of these problems could best be solved at the State or local level. For these reasons, we opposed enactment of the earlier bills.

When the bill which became the Act of 1970 was being considered, we withdrew opposition because we hoped that this law could be enforced. The legislation was enacted December 9, 1970, with enforcement delegated to the Agricultural Research Service. Later, this work became a part of what is now the Animal and Plant Health Inspection Service.

In January 1971, we began a series of meetings with horse breeders, trainers, owners, and show managers. We talked to the most knowledgeable people available to get their ideas about regulations to implement the Act which would be practical to enforce. These meetings were continued throughout the winter and spring of 1971.

On July 1, 1971, regulations were drawn up and published in the Federal Register as proposed rule making. We received a wide variety of comment, much of it contradictory. It was obvious by that time that we were dealing with a highly complex situation. At the time the bill was being developed, we underestimated the effort necessary to carry out the Act. It wasn't long after we became involved in the implementation that we realized its magnitude and that it involved thousands of horses and at least 2,500 horse shows a year that had to be policed.

We conducted another series of discussions with experts in the field of horse shows and humane treatment of animals. Some of our people went to Los Alamos, New Mexico, to review the use of heat sensing in soring diagnostic procedures with scientists working there on similar techniques. Others attended a short course on equines at Ohio State University. They attended horse shows and talked with horse association officials.

In November 1971, we had to publish in the Federal Register a modified set of proposals and asked again for public comments. Once again, we received objections, questions, and suggestions that indicated areas still needing more refinement. Our final set of regulations was published February 1, 1972.

We have been criticized for taking a full year to draw up final regulations to implement the Act. We had reasons for our time table, and our people did their job in a well ordered manner to accomplish what they did in a completely new and complex area. If any of the steps had been omitted, we would have been remiss in fulfilling our obligation.

After regulations had been established, we conducted a series of training programs for our field personnel to prepare them for the job of enforcement. These sessions were held in each geographical region and included intensive instruction on how to diagnose soring, how to conduct inspections and examinations, what procedures to establish, and what authority for action our people have under the law.

During the first year of enforcement--from February 1972 through February 1973--our officials attended 767 horse shows and inspected 116,117 horses. In the course of this experience, we have found strong and weak spots in the Act. The two weaknesses of major significance concern the requirement to prove intent of soring, for the purpose of affecting a horse's gait, and the limitation to prosecution of violations as the only way to stop soring of horses. We are recommending consideration of ways to provide for prompt regulatory action when apparent violations are detected.

At this point, I would like to relate our enforcement experience in these and other areas directly to the several sections of the Act.

Section 2.

The provision is made under Section 2 that "a horse shall be considered to be sored, if for the purpose of affecting its gait" such means have been used as blistering agents, cuts, burns, or lacerations, and chemical agents. This requires that a decision be made that the horse has been sored . . . what caused the condition . . . and what was the intent of the action.

This provision has given us more enforcement problems than any other single provision or combination of provisions.

If an inspector claims the horse is sored, the owner or trainer may bring his own expert witness to dispute that claim, and the decision becomes a matter of judgment. Further, it is sometimes difficult to determine exactly what has made an animal lame in order to establish cause.

But by far the most difficult determination is that of intent. It may be perfectly obvious that a horse is lame and sore, but if it cannot be established that the intent was "for the purpose of affecting its gait" we cannot take action under the law.

Therefore, we believe that this language needs to be reconsidered from the standpoint of correcting the enforcement problems now encountered. A way needs to be sought to remove the necessity to prove intent to affect gait for purposes of exhibition or show. We recognize there will be problems in accomplishing this purpose, but we stress that the existing language, in our experience, seriously frustrates enforcement of the Act.

Also under Section 2 (a), it is stipulated that a horse may be sored if "any other cruel or inhumane method or device has been used . . . which may be reasonably expected to" cause pain, distress, or inflammation. We have had difficulty at times with our interpretation of "reasonably expected" to cause distress. There may be a question of time involved. For example, a 12-ounce chain may not cause distress during a 15-minute interval, but after the second day it can cause inflammation.

Some trainers insist that they need at least 28-ounce action boots to achieve the gait needed in the ring. The soring effect on horses from the use of boots is directly related to the weight of the boot. As a result of our tests, conducted on our own horses, our regulations set a reasonable limit of 16 ounces.

Detecting the sored horse in which there is no visible lesion sometimes requires a rather sophisticated approach. We have established

the fact that a normal horse has a temperature pattern in the pastern area. We can expect a three-degree temperature variation in the pastern. A horse that has been sored by chemical or mechanical means will show a deviation of seven to nine degrees.

We are now experimenting with ways to measure this skin temperature accurately and efficiently. We are attempting to adapt thermographic equipment to our needs. At present the cost is almost prohibitive, running over \$25,000 apiece. But if we can develop enough data to make our findings valid . . . and if we can reduce the cost by purchasing in bulk numbers . . . we may find that such equipment would be worth the price in determining inflammation and identifying soring.

Section 2 (b) defines the term "commerce" as used in this Act. We have found this definition to be adequate for any case that has come to our attention.

Section 3.

Section 3 outlines Congressional intent for the Act, and we agree completely with the need to prevent soring of horses.

Section 4.

Section 4 spells out unlawful acts under the law. Subsection (a) provides that it is illegal to transport, move, deliver or receive in commerce, for the purpose of showing or exhibition, a horse that there is reason to believe has been sored. It should be noted that this provision is limited for the purpose of showing or exhibition, and therefore presents problems in proving intent or purpose similar to those under Section 2.

Subsection (b) provides that people who show or exhibit sored horses are breaking the law and can be held liable. Subsection (c) makes the management that conducts horse shows responsible. We have found no problems in these two areas. In fact, they are a vital and necessary part of the law.

We would suggest, however, that additions be made to these unlawful acts. As long as boots, pads, and built-up heels are worn by horses, there cannot be a complete and proper inspection for soring. These devices can hide evidence of soring, or they may even be the cause of physical distress that alters the horse's gait. Therefore, we would like to see this law include a provision that it shall be unlawful for any person to conduct a horse show in which the horses wear action boots, pads, and built-up heels. We would also recommend that authority be provided for the right to seize boots and other devices that can serve as evidence of law violations. We have run into problems because we do not now have that authority.

We also think it is important to spell out that interference with inspectors while they are conducting their official activities is an unlawful act. Our inspectors have been subjected to physical attacks for carrying out the duties as required by the Act, and we think the right to prosecute these assaults, as well as any threats or interference with the performance of the duties of the inspectors, might provide a helpful degree of protection and assure the completion of the inspections which are fundamental to the enforcement of the Act.

Section 5.

Section 5 provides authority for inspections to be made in order to enforce the Act. We would like to suggest that a provision be added to assign responsibility to horse show management for providing adequate facilities and assistance to the inspectors when they conduct activities at a given show.

Subsection (b) provides for record-keeping in connection with horse shows and exhibitions. So far, we have found this provision to be adequate.

Section 6.

Subsection (b) provides a criminal penalty for willful violations of not more than \$2,000 or not more than six months in jail, or both. We would like to suggest that a change in this provision be considered.

It has been pointed out that these cases could move much faster if they could be tried before a Federal magistrate rather than in a District Court. The limitation for this type of hearing is set at penalties of not more than \$1,000 and not more than one year in jail. The cases could be handled more rapidly before a Federal magistrate.

Under the provisions for penalties, it is important to note that the Act provides no authority to seize horses or stop horse shows that are in violation of the Act. Many people expected the Act to be enforced by these means and expressed surprise when we did not use them.

We understand their concern on this point. Our conclusion is that a way must be sought in the Act to provide for prompt regulatory action not available now. This does not mean on the spot judgments of guilt or assessing penalties. It does mean that detected soring should be sufficient presumption of apparent violation to call for such action until further hearings or litigation can be undertaken.

Under the current Act, horse show management has the obligation to see that sore horses are not shown. There needs to be prompt response upon indication that this obligation is not being carried out.

We have not settled on any single approach as best suited to meet this purpose. Alternatives could range from ceasing operation of a show where sore horses appeared, to applying restrictions against a particular class, particularly if show management has been made aware of the situation without effective response.

Many individuals are involved in a horse show or exhibition, and many innocent parties could be adversely affected if restrictive action were too sweeping. On the other hand, without immediate response to apparent violation by those responsible for conducting the show, we believe there will be continuing difficulty in meeting the intent of the Act.

We would like to recommend an addition to this section providing severe penalties for assaults, threats, or other interference with inspection to enforce the law. In fact, we would like to see the

strongest deterrent against such interferences with the inspectors or the performance of their duties. This protection is badly needed.

Section 6 does not provide subpoena powers for calling witnesses to hearings on violations. We have no way to compel witnesses who do not wish to testify. We believe the addition of subpoena power for such purpose as well as for investigations is necessary for effective administration. Provision for judicial enforcement of the subpoenas and for injunctions restraining violations of the Act should also be provided.

Section 7.

Section 7 provides authority for action to be taken for violation of the law. This is necessary and adequate.

Section 8.

Provisions of Section 8 call for use "to the maximum extent practicable the existing personnel and facilities of the Department of Agriculture." We would like to report that we feel this provision has been fully met. Our people have worked far longer than normally expected in an endeavor to stop the soring practice. And still, there are never enough man-hours available to give the coverage that they would like to give.

A slight misconception is implied in this Section that gives a wrong impression about the time and money available for administration of the Act. The provision is made that "the Secretary is further authorized to utilize the officers and employees of any State, with

its consent, and with or without reimbursement, to assist him in carrying out the provisions of this Act." The intent of this authority was to provide people to help in carrying out provisions of the Act. But in actual fact, we have never received this assistance. The general reaction has been that it is difficult for a State to use its employees and funds to administer a Federal law.

Section 9.

Section 9 gives proper authority for issuing rules and regulations.

Section 10.

Section 10 stipulates that this Act does not conflict with any State law in a similar field. It does not prevent States from carrying out any activity they find necessary. Of course, if a State law should come in conflict with this Act, the Federal law takes precedence.

Section 11.

Section 11 provides for a report to Congress by June 9, 1973, thirty calendar months after the date of enactment of the law. We expect to file the report at that time. We were waiting for the full period to elapse so that our report could reflect our total experience in such areas as court action on violation cases and industry response to the law enforcement.

Section 12.

Section 12 sets a limitation of \$100,000 a year on funds to carry out provisions of the Act. This limitation prevents the consideration of additional funds for enforcing the Act as part of the regular budgetary process.

In addition to these recommendations, we would like to suggest two other changes in the law.

Horses with gross pathological lesions called callouses, granulating tissue, or extremely thickened skin should be considered permanently sored and not eligible for showing. We feel this would be a strong deterrent against soring during the training period in the home barn. A horse wearing soring devices such as a knocker boot would not be considered permanently sored. During consideration of this legislation, the point was made that if a horse is once sored, it is always sored and could never again be legally entered into show competition. We believe this definition should be spelled out in the Act.

We would also like to see specific authority included in the Act for inspections at horse auctions and horse sales. Our administrative interpretation has been that the major purpose of auctions and sales is to sell, not exhibit. Therefore, we believe that if these operations were specifically included we would have a better opportunity to stop a great deal of soring that we know is going on.

In closing, Mr. Chairman, I would like to say a word about the employees in the field who have been administering the law. As they have become more familiar with the work through experience, they have become more devoted and enthusiastic. They have learned how despicable this practice truly is and they are dedicated to the objective of stopping it. These employees--as do we all--sincerely regret that soring has not yet been stopped.

Mr. Chairman, we will be pleased to respond to any questions you or members of the Committee may have.

CONCLUSIONS

Successful enforcement of the Horse Protection Act of 1970 will be dependent upon successful civil and criminal prosecutions, and the number of horse shows visited. Until the very thought of soring has left the minds of the trainers, constant vigilance and attendance at horse shows is considered mandatory.

Many owners and some trainers abhor this cruel practice of soring horses and have expressed their disdain to us, but state candidly that they see little chance of correcting the situation unless the law can be enforced promptly and uniformly nationwide. Otherwise, those who violate the law and sore horses will continue to win shows and the value of their horses will increase, while those who comply with the law will not win shows and the value of their horses will decrease.

The above-suggested changes are designed to increase the Department's enforcement capabilities. Although they will probably meet with the approval of the humane interests, it should be expected that some members of the horse industry may strongly resent the changes and may cause the Department problems in enforcing the act.

RESOURCE CONSULTANTS
for the
HORSE PROTECTION ACT OF 1970

HUMANE OFFICERS

Mr. Frank J. McMahon	- Humane Society of the United States
Dr. Lee Ford	- Humane Society of the United States
Mr. J. L. Hedrick	- Pennsylvania Society for the Prevention of Cruelty to Animals
Dr. Ralph C. Knowles	- Animal and Plant Health Inspection Service, U.S.D.A.
Mrs. William Blue	- Vice President, American Horse Protection Assn., Inc.
Mrs. Pearl Twyne	- President, American Horse Protection Assn., Inc.
Mrs. Christine Stevens	- Animal Welfare Institute
Mr. A. Z. Amundsen	- Humane Officer in New York State

TRAINERS

Mr. Billy Boyd	- Oaks Corners, New York
Mr. Don Bollinger	- California, Missouri
Mr. C. A. Bobo	-Shelbyville, Tennessee
Mr. Wink Groover	- Etowah, Tennessee
Mr. Jim Landers	- Auburn, California
Mr. J. A. Pierce	- Douglasville, Georgia
Mr. Joe Urghart	- Columbia, Tennessee
Mr. Charles Overstreet	- Vintron, Virginia
Mr. Bill McLauren	- Raleigh, North Carolina
Miss Betty Sain	- Bell Buckle, Tennessee

OWNERS AND BREEDERS

Mr. Roger van Cleve	- Citrus Heights, California
Mr. S. W. Beech	- Lewisburg, Tennessee
Dr. DeWitt Owens, Jr.	- Franklin, Tennessee
Mr. Malcolm Cade	- Atlanta, Georgia
Dr. Carl Bishop	- Long Beach, California
Mr. Harlin Hayes	- Franklin, Tennessee
Mr. Roy Davis	- Calhoun, Georgia
Mr. C. M. Waters, Jr.	- Alexandria, Georgia
Dr. Otto F. Apel, Jr.	- Portsmouth, Ohio
Mr. L. W. Ehrich	- Tampa, Florida

SHOW MANAGEMENT

Mr. Sam Gibbons	- Athens, Alabama
Mr. Bill Tune	- Shelbyville, Tennessee
Mr. Thomas McCray	- Columbus, Ohio
Mr. Robery McCray	- Louisville, Kentucky
Dr. N. J. Thomas	- Shelbyville, Tennessee
Mr. H. Karl Yenser	- Jessup, Maryland
Colonel Raymond Strasburger	- Powell, Ohio
Mr. Phil Jenson	- Columbia, Tennessee
Mr. Marshall Ledbetter	- Columbia, Tennessee
Mr. James W. Blackwell	- New York, New York

NEWSPAPER REPORTERS AND PHOTOGRAPHERS

Mr. Wendell Rawls, Jr.	- The Nashville Tennessean
Mr. Jack Corn	- The Nashville Tennessean

STATE OFFICIALS, USAHA

Dr. George Burch	- Albany, New York
Dr. Jay Brashear	- Oklahoma City, Oklahoma
Dr. Harry Goldstein	- Columbus, Ohio
Dr. D. F. Andrews	- Atlanta, Georgia

MISCELLANEOUS

Mr. Terrence Finn	-Former Administrative Officer for Senator Tydings
Admiral Edward R. King (Retired)	-Former Commissioner, National Tennessee Walking Horse Commission
National Tennessee Walking Horse Trainers Association, Officers and Board Members	
National Tennessee Walking Horse Breeders Association, Officers and Board Members	
National Tennessee Walking Horse Commission, Officers, and Board Members	
American Horse Shows Association, Officers, and Board Members	



Public Law 91-540
91st Congress, S. 2543
December 9, 1970

An Act

To prohibit the movement in interstate or foreign commerce of horses which are "sored", and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Horse Protection Act of 1970".

Horse Protection Act of 1970.

SEC. 2. (a) A horse shall be considered to be sored if, for the purpose of affecting its gait—

(1) a blistering agent has been applied after the date of enactment of this Act internally or externally to any of the legs, ankles, feet, or other parts of the horse;

(2) burns, cuts, or lacerations have been inflicted after the date of enactment of this Act on the horse;

(3) a chemical agent, or tacks or nails have been used after the date of enactment of this Act on the horse; or

(4) any other cruel or inhumane method or device has been used after the date of enactment of this Act on the horse, including, but not limited to, chains or boots;

84 STAT. 1404
84 STAT. 1405

which may reasonably be expected (A) to result in physical pain to the horse when walking, trotting, or otherwise moving, (B) to cause extreme physical distress to the horse, or (C) to cause inflammation.

(b) As used in this Act, the term "commerce" means commerce between a point in any State or possession of the United States (including the District of Columbia and the Commonwealth of Puerto Rico) and any point outside thereof, or between points within the same State or possession of the United States (including the District of Columbia and the Commonwealth of Puerto Rico) but through any place outside thereof, or within the District of Columbia, or from any foreign country to any point within the United States.

"Commerce."

SEC. 3. The Congress hereby finds (1) that the practice of soring horses for the purposes of affecting their natural gait is cruel and inhumane treatment of such animals; (2) that the movement of sored horses in commerce adversely affects and burdens such commerce; and (3) that horses which are sored compete unfairly with horses moved in commerce which are not sored.

SEC. 4. (a) It shall be unlawful for any person to ship, transport, or otherwise move, or deliver or receive for movement, in commerce, for the purpose of showing or exhibition, any horse which such person has reason to believe is sored.

Unlawful acts.

(b) It shall be unlawful for any person to show or exhibit, or enter for the purpose of showing or exhibiting, in any horse show or exhibition, any horse which is sored if that horse or any other horse was moved to such show or exhibition in commerce.

(c) It shall be unlawful for any person to conduct any horse show or exhibition in which there is shown or exhibited a horse which is sored, if any horse was moved to such show or exhibition in commerce, unless such person can establish that he has complied with such rules and regulations as the Secretary of Agriculture may prescribe to prevent the showing or exhibition of horses which have been sored.

SEC. 5. (a) Any representative of the Secretary of Agriculture is authorized to make such inspections of any horses which are being moved, or have been moved, in commerce and to make such inspections of any horses at any horse show or exhibition within the United States to which any horse was moved in commerce, as he deems necessary for the effective enforcement of this Act, and the owner or other person having custody of any such horse shall afford such representative access to and opportunity to so inspect such horse.

Inspection.

Horse shows
and exhibi-
tions, rec-
ords.

(b) The person or persons in charge of any horse show or exhibition within the United States, or such other person or persons as the Secretary of Agriculture (hereinafter referred to in this Act as the "Secretary") may by regulation designate, shall keep such records as the Secretary may by regulation prescribe. The person or persons in charge of any horse show or exhibition, or such other person or persons as the Secretary may by regulation designate, shall afford the representatives of the Secretary access to and opportunity to inspect and copy such records at all reasonable times.

Penalty.

Hearing
opportunity.

SEC. 6. (a) Any person who violates any provision of this Act or any regulation issued thereunder, other than a violation the penalty for which is prescribed by subsection (b) of this section, shall be assessed a civil penalty by the Secretary of not more than \$1,000 for each such violation. No penalty shall be assessed unless such person is given notice and opportunity for a hearing with respect to such violation. Each violation shall be a separate offense. Any such civil penalty may be compromised by the Secretary. Upon any failure to pay the penalty assessed under this subsection, the Secretary shall request the Attorney General to institute a civil action in a district court of the United States for any district in which such person is found or resides or transacts business to collect the penalty and such court shall have jurisdiction to hear and decide any such action.

Penalty.

(b) Any person who willfully violates any provision of this Act or any regulation issued thereunder shall be fined not more than \$2,000 or imprisoned not more than six months, or both.

SEC. 7. Whenever the Secretary believes that a willful violation of this Act has occurred and that prosecution is needed to obtain compliance with the Act, he shall inform the Attorney General and the Attorney General shall take such action with respect to such matter as he deems appropriate.

Department of
Agriculture
personnel.

SEC. 8. The Secretary, in carrying out the provisions of this Act, shall utilize, to the maximum extent practicable, the existing personnel and facilities of the Department of Agriculture. The Secretary is further authorized to utilize the officers and employees of any State, with its consent, and with or without reimbursement, to assist him in carrying out the provisions of this Act.

Regulations.

SEC. 9. The Secretary is authorized to issue such rules and regulations as he deems necessary to carry out the provisions of this Act.

SEC. 10. No provision of this Act shall be construed as indicating an intent on the part of the Congress to occupy the field in which such provision operates to the exclusion of the law of any State on the same subject matter, unless there is a direct and positive conflict between such provision and the law of the State so that the two cannot be reconciled or consistently stand together. Nor shall any provision of this Act be construed to exclude the Federal Government from enforcing the provision of this Act within any State, whether or not such State has enacted legislation on the same subject, it being the intent of the Congress to establish concurrent jurisdiction with the States over such subject matter. In no case shall any such State take any action pursuant to this section involving a violation of any such law of that State which would preclude the United States from enforcing the provisions of this Act against any person.

SEC. 11. On or before the expiration of thirty calendar months following the date of enactment of this Act, and every twenty-four-calendar-month period thereafter, the Secretary shall submit to the Congress a report upon the matters covered by this Act, including enforcement and other actions taken thereunder, together with such recommendations for legislative and other action as he deems appropriate.

Report to
Congress.

84 STAT. 1406
84 STAT. 1407

SEC. 12. There are hereby authorized to be appropriated such sums, not to exceed \$100,000 annually, as may be necessary to carry out the provisions of this Act.

Appropriation.

Approved December 9, 1970.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 91-1597 (Comm. on Interstate and Foreign Commerce).

SENATE REPORT No. 91-609 (Comm. on Commerce).

CONGRESSIONAL RECORD:

Vol. 115 (1969): Dec. 18, considered and passed Senate.

Vol. 116 (1970): Nov. 16, considered and passed House, amended.

Nov. 24, Senate concurred in House amendments.

federal register

THURSDAY, JULY 1, 1971

WASHINGTON, D.C.

Volume 36 ■ Number 127

PART II



DEPARTMENT OF AGRICULTURE

Agricultural Research Service

■

HORSE PROTECTION

Notice of Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

[9 CFR Part 11]

HORSE PROTECTION

Notice of Proposed Rule Making

Notice is hereby given in accordance with the administrative procedure provisions in 5 U.S.C. 553, that pursuant to the Act of December 9, 1970 (Public Law 91-540; 84 Stat. 1404; 15 U.S.C. 1821-1831), the Department of Agriculture is considering the issuance of regulations relating to the protection of certain show horses against the practice of soring, to appear as new Part 11 in Chapter I, Subchapter A,¹ Title 9, Code of Federal Regulations, to read as follows:

PART 11—HORSE PROTECTION REGULATIONS

GENERAL

- 11.1 Definitions.
- 11.2 Prohibitions concerning exhibitors.
- 11.3 Entries.
- 11.4 Boots.
- 11.5 Inspection of horses.
- 11.6 Access to premises for inspection of horses.
- HORSE SHOW OR EXHIBITION SPONSORS AND OPERATORS
- 11.20 Prohibition concerning horse show or exhibition sponsors and operators.
- 11.21 Notice of horse show or exhibition.
- 11.22 Records required; and disposition thereof.
- 11.23 Inspection of records.
- 11.24 Access to premises for inspection of horses.
- 11.25 Reporting by show operator.
- 11.26 Entry forms.

TRANSPORTATION

- 11.40 Prohibitions and requirements concerning persons involved in transportation of certain horses in commerce.

ENFORCEMENT

- 11.41 Violations and penalties.

GENERAL

§ 11.1 Definitions.

For the purposes of this part, unless the context otherwise requires, the following terms shall have the meanings assigned to them in this section and the singular form shall also import the plural and the masculine form shall also import the feminine.

(a) "Act" means the Act of December 9, 1970 (Public Law 91-540; 84 Stat. 1404; 15 U.S.C. 1821-1831) cited as the Horse Protection Act of 1970.

(b) "Department" means the U.S. Department of Agriculture.

(c) "Administrator" means the Administrator of the Agricultural Research Service of the Department, or any officer or employee of said Service to whom authority has heretofore been delegated or to whom authority may hereafter be delegated to act in his stead.

¹The subchapter heading would also be amended to read "Subchapter A—Animal Welfare."

(d) "Division" means the Animal Health Division, Agricultural Research Service, of the Department.

(e) "Director" means the Director of the Division or any other officer or employee of the Division to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated to act in his stead.

(f) "Veterinarian In Charge" means the Division veterinarian, who is assigned by the Director to supervise and perform the official work of the Division under the Act in a specified State.²

(g) "Division Representative" means any inspector employed by the Division who is designated by the Veterinarian In Charge, or any officer or employee of any State agency who is authorized by the Director to perform any function under the Act.

(h) "State" means a State, the District of Columbia, Commonwealth of Puerto Rico, or other possession of the United States.

(i) "Person" means any individual, corporation, company, association, firm, partnership, society, joint stock company, or other legal entity.

(j) "Horse" means any member of the species *Equus caballus*.

(k) Except in §§ 11.22 and 11.23, "horse show" means a public display of any horses, in competition, to which any horse was moved in commerce. In §§ 11.22 and 11.23, "horse show" means a public display of any horses, in competition.

(l) Except in §§ 11.22 and 11.23, "exhibition" means a public display of any horses, singly or in groups, but not in competition, if any horse was moved to such display in commerce. In §§ 11.22 and 11.23, "exhibition" means a public display of any horse or horses, singly or in groups, but not in competition.

(m) "Boot" means a device which encircles the lower extremity of a leg of a horse and which may be made of leather, cloth, felt, or other material.

(n) "Commerce" means commerce between a point in any State and any point outside thereof, or between points within the same State but through any place outside thereof, or within the District of Columbia, or from any foreign country to any point within the United States.

(o) "Inspection" of a horse means an examination of the horse by use of whatever means are reasonably deemed necessary by the inspector to determine whether the horse is sored. This may include, but is not limited to, visual examination, touching, and use of any diagnostic device or instrument, and may include the requirement of the removal of any shoes, pads, and other equipment from the horse.

(p) "Sponsoring organization" means the association or other person under

² The name and address of the Veterinarian In Charge for the State concerned can be obtained by writing to the Director, Animal Health Division, Agricultural Research Service, U.S. Department of Agriculture, Hyattsville, Md. 20782.

whose auspices a horse show or exhibition is conducted.

(q) "Show operator" means the person who has been delegated primary authority for managing a horse show or exhibition by a sponsoring organization, and has accepted the responsibility involved.

(r) "Exhibitor" means the owner or other person who enters a horse in any horse show or exhibition.

(s) (1) "Sored horse" is a horse that has been subjected, after December 9, 1970, to one or more of the following for the purpose of affecting its gait:

(i) A blistering agent has been applied internally or externally to any of the legs, ankles, feet, or other parts of the horse;

(ii) Burns, cuts, or lacerations have been inflicted on the horse;

(iii) A chemical agent, or tacks or nails have been used on the horse; or

(iv) Any other cruel or inhumane method or device has been used on the horse, including, but not limited to, chains or boots;

which may reasonably be expected (a) to result in physical pain to the horse when walking, trotting, or otherwise moving, or (b) to cause extreme physical distress to the horse, or (c) to cause inflammation of any part of the horse.

(2) A horse shall be considered sored if the length of the toe does not exceed the height of the heel by more than 1 inch, and such condition was caused to affect the gait of the horse.

(3) Any blisters, burns, cuts, lacerations, or other indicators of the use of any cruel or inhumane method or device with respect to any horse constitute evidence that the horse is sored.

EXHIBITORS

§ 11.2 Prohibitions concerning exhibitors.

(a) It is unlawful for any person to show or exhibit, or enter for the purpose of showing or exhibiting, in any horse show or exhibition, any horse which is sored.

(b) No chains, rollers, or other device or method shall be used with respect to any horse at any horse show or exhibition if such use causes the horse to be sored.

(c) No boots other than those permitted under § 11.4 shall be used on any horse at any horse show or exhibition.

(d) Substances such as, but not limited to, grease, dye, stains, or polishes, shall not be used on the extremities, above the hoof but below the fetlock of any horse while being shown or exhibited at any horse show or exhibition, unless the exhibitor furnishes to the Division representative, upon his request, a certification from a veterinarian that this substance was applied for beneficial therapeutic purposes and its presence during such showing or exhibition was required for such purposes.

§ 11.3 Entries.

Each horse owner or other person who intends to show or exhibit any Tennessee

Walking Horse at a horse show or exhibition shall complete and submit to the show operator an entry form, as prescribed in § 11.26, prior to the calling of the class.

§ 11.4 Boots.

The only boots permitted to be used under the regulations in this part on any horse shall be the boots commonly known as hinged quarter boots. The lower portion of the boot shall be firmly attached by means of a strap and buckle or similar humane device to the foot below the corium. The upper half of the boot shall be attached to the lower half by a hinge which shall be of leather or other soft material and shall not be in excess of 1 inch in length. The upper half of the boot shall be constructed in such a way that the inside, in contact with the skin, shall be soft, smooth, and free of projections of any nature. No attachments, weights, or other devices shall be affixed to the upper half of the boot, except that a buckling device may be used if it is so designed and used as to avoid physical pain to the horse when moving and to avoid extreme physical distress, and inflammation of any part of the horse.

§ 11.5 Inspection of horses.

For the effective enforcement of the Act—

(a) Each horse owner and other person having custody of any horses shall allow any Division representative to inspect the horses in his custody at such reasonable times and places as the Division representative may designate, while such horses are being moved in commerce or thereafter.

(b) Each horse owner and other person having custody of any horses shall allow any Division representative, the show operator and any veterinarian designated under § 11.20 to inspect such horses at such reasonable times and places as such inspector may require while the horses are at any horse show or exhibition.

(c) When any Division representative, in writing, notifies the owner of any horse or other person having custody of the horse, that inspection of such horse is required to be made after the horse has been shown or exhibited at any horse show or exhibition, such horse shall not be moved from the horse show or exhibition premises unless the owner or other custodian makes the horse available for inspection by a Division representative at a time and place agreeable to the Division representative.

(d) The person having custody of the horses shall render such assistance as the inspector may reasonably request for purposes of such examinations.

§ 11.6 Access to premises for inspection of horses.

Each exhibitor shall, without fee, charge, assessment, or compensation, admit any Division representative, the show operator, and any veterinarian employed under § 11.20, to all areas of barns, compounds, and other portions of the show grounds at any horse show or exhibition or similar areas adjacent to the show

grounds, and vans or trucks on any such grounds or areas, where any horse in his custody is located, upon the request and identification of such representative, operator or veterinarian for purposes of inspecting any such horse pursuant to the Act.

HORSE SHOW OR EXHIBITION SPONSORS AND OPERATORS

§ 11.20 Prohibition concerning horse show or exhibition sponsors and operators.

It is unlawful for any person to conduct any horse show or exhibition in which there is shown or exhibited any horse which is sore, unless:

(a) The sponsoring organization designates a veterinarian to examine all horses entered in the horse show or exhibition to determine whether they are sore and instructs him that his services are to assure compliance with the Act;

(b) The veterinarian examines every horse entered in any class at the horse show or exhibition immediately prior to calling of such class, in whatever way is necessary to determine whether such horse is sore, and he inspects any horse at the show or exhibition as such other times as is necessary for such purpose;

(c) The veterinarian reports his findings to the show judge and show operator, in writing, before the class is called and sends in a copy of his findings to the Veterinarian in Charge for the State in which the horse show or exhibit is held, within 72 hours following conclusion of the show or exhibition.

(d) The show operator immediately causes to be removed from participation in any class at the show or exhibition all horses designated by the veterinarian as being sore or otherwise found by the show operator to be sore.

§ 11.21 Notice of horse show or exhibition.

(a) The sponsoring organization for any horse show or exhibition in which there will be any Tennessee Walking Horses, shall, by letter, no later than 30 days prior to the beginning of the show or exhibition, notify the Veterinarian in Charge for the State where the horse show or exhibition is to be held concerning its intent to conduct such show or exhibition. Such letter of intent shall include the following information:

(1) Dates, times, and place of the horse show or exhibition.

(2) Sponsoring organization; and name, address, and telephone number of any person designated by such organization to maintain records as required by § 11.22 on behalf of the organization.

(3) Show operator's name, address, and telephone number.

(4) Statement that the sponsoring organization and the show operator will comply with the Act and the rules and regulations thereunder and will direct all employees and agents of the sponsoring organization to comply with such provisions.

(5) Name, address, and telephone number of the veterinarian, if any, employed to make inspections under § 11.20.

(6) Name and address of the judge selected to officiate at the horse show or exhibition.

(b) The letter required by paragraph (a) of this section shall be signed by an authorized representative of the sponsoring organization, and by the show operator.

§ 11.22 Records required; and disposition thereof.

(a) Copies of all entry forms filed by exhibitors as required by § 11.3 shall be kept by the sponsoring organization of any horse show or exhibition in which there is any Tennessee Walking Horse, or by the designee of such organization, for a period of 1 year after the closing date of the horse show or exhibition, unless the Director in writing in specific cases authorizes their disposition within such period. Further, when the Director notifies the sponsoring organization, or its designee, in writing that specific records are needed for completion of an investigation or proceeding under the Act, such sponsoring organization, or designee, shall keep such records until their disposition is authorized by the Director.

§ 11.23 Inspection of records.

(a) Upon request and during ordinary business hours, or such other times as may be agreed upon, the sponsoring organization and any designee thereof, shall permit any Division representative to examine all records required to be kept by the regulations in this part, and to make copies of such records. A room, table, or other facilities necessary for proper examination of the records, shall be made available to the Division representative.

§ 11.24 Access to premises for inspection of horses.

The sponsoring organization and the show operator of any horse show or exhibition shall, without fee, charge, assessment or other compensation, provide unlimited access to the Division representative to the grandstands and all other areas of the show or exhibition grounds and adjacent areas under their control on the request and after identification of such representative for purposes of inspection of horses or records as provided in this part.

§ 11.25 Reporting by show operator.

The show operator of any horse show or exhibition shall report by mail, within 72 hours following the conclusion of the horse show or exhibition, to the Veterinarian in Charge for the State where the show or exhibition was held, the name and description of each horse that was deemed by the veterinarian or by the show operator to be sore, or was found by the show operator to have been handled otherwise in violation of § 11.2 or was excused for any reason from any Tennessee Walking Horse class; the names and addresses of the owners, riders, and trainers of all such horses, and the classes in which such horses were entered.

§ 11.26 Entry forms.

(a) The show operator shall require each exhibitor of a Tennessee Walking Horse at any horse show or exhibition to execute an entry form showing the following information:

- (1) Horse's name; and registration number, if any.
- (2) Horse's breed, age, sex, color, markings, and height.
- (3) Address of home barn of the horse; and location from which the horse was transported to the show or exhibition.
- (4) Exhibitor's signature and address.
- (5) Signature and address of the principal person other than the exhibitor who will have custody of the horse at the horse show or exhibition, as agent of the exhibitor.
- (6) Class(es) entered.
- (7) Entry number.
- (8) Stall and barn number at the horse show or exhibition.

TRANSPORTATION

§ 11.40 Prohibitions and requirements concerning persons involved in transportation of certain horses in commerce.

(a) It is unlawful for any person to ship, transport, or otherwise move, or deliver or receive for movement, in commerce, for the purpose of showing or exhibition, any horse which such person has reason to believe is sore.

(b) Each person who ships, transports, or otherwise moves, or delivers or receives for movement, in commerce, for the purpose of showing or exhibition, any horse, shall allow and assist in the inspection of any such horse as provided in § 11.5 and shall furnish to any Division Representative upon his request and in the manner requested the following information:

- (1) Name and address of horse owner, and of shipper if different than the owner or trainer;
- (2) Name and address of horse trainer;
- (3) Name and address of carrier transporting the horse, and of driver of the means of conveyance used;
- (4) Origin of the shipment and date thereof;
- (5) Destination of shipment.

ENFORCEMENT

§ 11.41 Violations and penalties.

A violation of any provision of the Act or the regulations in this part is unlawful and any person committing such a

violation is subject to a civil penalty up to \$1,000 or criminal penalties up to \$2,000 and 6 months' imprisonment for each such violation, as prescribed in section 6 of the Act.

Statement of considerations. After passage of the Horse Protection Act of 1970 meetings held with various segments of the affected industry have provided the Department with many divergent views and considerable factual information as to the possible methods of diagnosis of soreing and enforcement of the Act. Consideration has been given to the views expressed and the foregoing regulations are proposed on the basis of the information presently available in an effort to effectuate the purposes of the Act in a practical manner.

One of the areas of great concern and the most frequently mentioned had to do with the scope of the Act. Since no specific breed was mentioned in the Act, much discussion was had as to what was meant by the word "horse" as used in the Act. Many horsemen felt that the thrust of the Act was directed toward the Tennessee Walking Horse. Others felt that since no mention of breeds was made in the Act, it was applicable to all breeds of horses.

On the basis of the information available, and giving due consideration to the magnitude of the problem of enforcement of the Act in relation to the monies authorized, it is proposed that enforcement of the Act will be directed, initially, toward enforcement with respect to the breed known as the Tennessee Walking Horse, and some of the regulations proposed are limited to horse shows and exhibitions which have Tennessee Walking Horse classes. However, the provisions of the Act are equally applicable to other breeds.

A great deal of information has been offered regarding the use and purpose of the boot as used on the Tennessee Walking Horse. Although the boot was often described as a protective device, it appears that the type of boot commonly in use and often referred to as the "action boot" is no longer used for protection but, in fact, has become a device used to cause or intensify pain to the horse in the pastern area by virtue of its up and down and spinning movements. It further appears that boots referred to as "bell boots" act as a cover or screen, hiding the visible signs of soreing. The use of such devices is deemed to be contrary to the purposes of the Act on the basis of

current information. Accordingly the use of such devices is prohibited in the proposed regulations.

Horse show operators have expressed concern since the Act specifies, "It shall be unlawful for any person to conduct any horse show or exhibition in which there is shown or exhibited a horse which is sore." The feeling expressed was that show management would be held responsible for actions done by others. The Department is informed that management has always had the right to excuse horses for various reasons and that this requirement of the law does not impose an unusual responsibility. It would be impossible to excuse horse show operators from responsibility by regulation when the Act is explicit in its application in this regard.

Statements have been offered relative to horse inspection and methods of accomplishing it. It has been stated that eye-level inspection has been found acceptable and that there are inherent dangers if a stranger to the horse is permitted to handle the feet and legs of horses. On the contrary it has been contended that permission to inspect in any manner that the inspector desires is inherent in the Act, and that to authorize inspection and then limit what can be done in the way of inspectional procedures would be self-defeating action. The proposed regulations provide for inspection by any means reasonably deemed necessary by the inspector.

Any person who wishes to submit written data, views, or arguments concerning the proposed regulations may do so by filing them with the Director, Animal Health Division, Agricultural Research Service, U.S. Department of Agriculture, Federal Center Building, Hyattsville, Md. 20782, within 60 days after publication of this notice in the *FEDERAL REGISTER*. The final determination as to the provisions to be included in the regulations will be based on all information available to the Department at the end of such period.

All written submissions made pursuant to this notice will be made available for public inspection at times and places and in a manner convenient to the public business (7 CFR 1.27(b)).

Done at Washington, D.C., this 28th day of June 1971.

F. J. MULHERN,
Acting Administrator.

[FR Doc.71-9330 Filed 6-30-71;8:51 am]

FRIDAY, NOVEMBER 5, 1971
WASHINGTON, D.C.

Volume 36 ■ Number 214

PART II



**DEPARTMENT OF
AGRICULTURE**
Agricultural Research Service

■

HORSE PROTECTION
Notice of Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

[9 CFR Part 11]

HORSE PROTECTION

Notice of Proposed Rule Making

On July 1, 1971, there was published in the FEDERAL REGISTER (36 F.R. 12586) a notice with respect to the proposed issuance of regulations relating to the protection of certain show horses against the practice of soring, to appear as new Part 11 in Chapter I, Subchapter A, Title 9, Code of Federal Regulations. Interested persons were given an opportunity to submit written data, views, or arguments concerning the proposed regulations for a period of 60 days following publication of said notice. After due consideration of all relevant material submitted in connection with said notice and pursuant to the Act of December 9, 1970 (Public Law 91-540; 84 Stat. 1404; 15 U.S.C. 1821-1831), notice is hereby given in accordance with the administrative provisions of 5 U.S.C. 553 that it is now proposed to issue regulations relating to the protection of certain show horses against the practice of soring, to read as follows:

PART 11—HORSE PROTECTION REGULATIONS

GENERAL

Sec.

11.1 Definitions.

EXHIBITORS

11.2 Prohibitions concerning exhibitors.

11.3 Entries.

11.4 Poots.

11.5 Inspection of horses.

11.6 Access to premises for inspection of horses.

HORSE SHOW OR EXHIBITION SPONSORS AND MANAGERS

11.20 Prohibition concerning horse show or exhibition sponsors and managers.

11.21 Notice of horse show or exhibition.

11.22 Records required; and disposition thereof.

11.23 Inspection of records.

11.24 Access to premises for inspection of horses.

11.25 Reporting by show manager.

11.26 Entry forms.

TRANSPORTATION

11.40 Prohibitions and requirements concerning persons involved in transportation of certain horses in commerce.

ENFORCEMENT

11.41 Violations and penalties.

GENERAL

§ 11.1 Definitions.

For the purposes of this part, unless the context otherwise requires, the following terms shall have the meanings assigned to them in this section and the singular form shall also import the plural and the masculine form shall also import the feminine. Words of art undefined in the following paragraphs shall

take the meaning attributed to them by trade usage.

(a) "Act" means the Act of December 9, 1970 (Public Law 91-540; 84 Stat. 1404; 15 U.S.C. 1821-1831) cited as the Horse Protection Act of 1970.

(b) "Department" means the U.S. Department of Agriculture.

(c) "Administrator" means the Administrator of the Agricultural Research Service of the Department, or any officer or employee of said Service to whom authority has heretofore been delegated or to whom authority may hereafter be delegated to act in his stead.

(d) "Division" means the Animal Health Division, Agricultural Research Service, of the Department.

(e) "Director" means the Director of the Division or any other officer or employee of the Division to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated to act in his stead.

(f) "Veterinarian in Charge" means the Division veterinarian, who is assigned by the Director to supervise and perform the official work of the Division under the Act in a specified State.

(g) "Veterinarian" means a graduate from a College of Veterinary Medicine, who is licensed in the State in which he practices and has been accredited by the U.S. Department of Agriculture under Part 160 of this title.

(h) "Division Representative" means any inspector employed by the Division who is designated by the Veterinarian in Charge, or any officer or employee of any State agency who is authorized by the Director to perform any function under the Act.

(i) "State" means a State, the District of Columbia, Commonwealth of Puerto Rico, or other possession of the United States.

(j) "Person" means any individual, corporation, company, association, firm, partnership, society, joint stock company, or other legal entity.

(k) "Horse" means any member of the species *Equus caballus*.

(l) Except in §§ 11.22 and 11.23, "horse show" means a public display of any horses, in competition, to which any horse was moved in commerce. In §§ 11.22 and 11.23, "horse show" means a public display of any horses, in competition.

(m) Except in §§ 11.22 and 11.23, "exhibition" means a public display of any horses, singly or in groups, but not in competition, if any horse was moved to such display in commerce. In §§ 11.22 and 11.23, "exhibition" means a public display of any horse or horses, singly or in groups, but not in competition.

(n) "Boot" means any device which encircles the lower extremity of a leg of a horse and which may be made of leather, cloth, felt, or other material.

*Information as to the name and address of the Veterinarian in Charge for the State concerned can be obtained by writing to the Director, Animal Health Division, Agricultural Research Service, U.S. Department of Agriculture, Hyattsville, Md. 20782.

(o) "Commerce" means commerce between a point in any State and any point outside thereof, or between points within the same State but through any place outside thereof, or within the District of Columbia, or from any foreign country to any point within the United States.

(p) "Inspection" of a horse means an examination of the horse by use of whatever means are reasonably deemed necessary by the inspector to determine whether the horse is sore. This may include, but is not limited to, visual examination, touching, and use of any diagnostic device or instrument, and may include the requirement of the removal of any shoes, pads, and other equipment from the horse.

(q) "Sponsoring organization" means the association or other person under whose auspices a horse show or exhibition is conducted.

(r) "Show manager" means the person who has been delegated primary authority for managing a horse show or exhibition by a sponsoring organization, and has accepted the responsibility involved.

(s) "Exhibitor" means the owner or other person who enters a horse in any horse show or exhibition.

(t) (1) "Sored horse" is a horse that has been subjected, after December 9, 1970, to one or more of the following for the purpose of affecting its gait:

(i) A blistering agent has been applied internally or externally to any of the legs, ankles, feet, or other parts of the horse;

(ii) Burns, cuts, bruises, or lacerations have been inflicted on the horse;

(iii) A chemical agent, or tacks or nails have been used on the horse; or

(iv) Any other cruel or inhumane method or device has been used on the horse, including, but not limited to, chains or boots; which may reasonably be expected (a) to result in physical pain to the horse when walking, trotting, or otherwise moving, (b) to cause extreme physical distress to the horse or, (c) to cause inflammation. However, a horse given therapeutic treatment by a veterinarian, to relieve pain or lameness or to restore a lame or disabled horse's normal gait, shall not thereby be considered sored.

(2) A horse shall be considered sored if the length of the toe measuring from the ground to the hairline does not exceed the height of the heel by more than one inch, and such condition was caused after December 9, 1970, to affect the gait of the horse.

(3) Any blisters, burns, cuts, bruises, lacerations, or other indicators of the use of any cruel or inhumane method or device with respect to any horse, such as but not limited to, raised granulated tissue which will not produce hair, shall constitute evidence that the horse is sored.

EXHIBITORS

§ 11.2 Prohibitions concerning exhibitors.

(a) It is unlawful for any person to show or exhibit, or enter for the purpose

of showing or exhibiting, in any horse show or exhibition, any horse which is sore.

(b) No chains, rollers, or other device or method shall be used with respect to any horse at any horse show or exhibition if such use causes the horse to be sore.

(c) No boots other than those permitted under § 11.4 shall be used on any horse at any horse show or exhibition.

(d) Substances such as, but not limited to, greases, dyes, stains or polishes, shall not be used on the extremities, above the hoof but below the fetlock of any horse while being shown or exhibited at any horse show or exhibition, unless the exhibitor furnishes to the Division representative, upon his request, a certification from a veterinarian that this substance was applied for beneficial therapeutic purposes and its presence during such showing or exhibition was required for such purposes.

§ 11.3 Entries.

Each horse owner or other person who intends to show or exhibit any horse at a horse show or exhibition shall complete and submit to the show manager an entry form, approved or furnished by the Department, as prescribed in § 11.26, prior to the calling of the class.

§ 11.4 Boots.

The only boots permitted to be used under the regulations in this part on any horse shall be:

(a) Those boots known to the industry as "fixed boots." These include types such as, but not limited to, heel boots, trotting boots, skid or sliding boots, splint boots, quarter boots, and shoeguard boots.

(b) Hinged Quarter Boots which meet the following requirements: The lower portion of the boot shall be firmly attached by means of a strap and buckle or similar humane device to the foot below the hairline. The upper half of the boot shall be fastened to the lower half in such a manner that there shall be no more than 1-inch separation between the two halves and that such connection does not cause pain or discomfort. The upper half of the boot shall be constructed in such a way that the inside, in contact with the skin, shall be soft, smooth, and free of projections of any nature. No attachments, weights, or other devices shall be affixed to the upper half of the boot, except that a fastening device may be used if it is so designed and used as to avoid physical pain to the horse when moving and to avoid extreme physical distress and inflammation of any part of the horse.

(c) Rubber bell boots.

(d) Leather bell boots provided that:

(1) The inside must be smooth and free of all swellings, projections, or sharp edges;

(2) The lining must be of soft leather, felt or similar material;

(3) The boots shall not weigh in excess of 16 ounces;

(4) The bell portion, exclusive of the soft roll on the top, shall be a minimum of 2½ inches in height.

§ 11.5 Inspection of horses.

For the effective enforcement of the Act:

(a) Each horse owner and other person having custody of any horses shall allow any Division representative to inspect the horses in his custody at such times and places as the Division representative may designate, while such horses are being moved in commerce or thereafter.

(b) Each horse owner and other person having custody of any horses shall allow any Division representative, the show manager or his representative and/or any veterinarian designated under § 11.20 to inspect such horses at such reasonable times and places as such inspector may require while the horses are at any horse show or exhibition.

(c) When any Division representative, in writing, notifies the owner of any horse or other person having custody of the horse, that inspection of such horse is required to be made after the horse has been shown or exhibited at any horse show or exhibition, such horse shall not be moved from the horse show or exhibition premises unless the owner or other custodian makes the horse available for inspection by a Division representative at a time and place agreeable to the Division representative.

(d) The person having custody of the horses shall render such assistance as the inspector may reasonably request for purposes of such examinations.

§ 11.6 Access to premises for inspection of horses.

Each exhibitor shall, without fee, charge, assessment, or compensation, admit any Division representative, the show manager, and any veterinarian designated under § 11.20, to all areas of barns, compounds, and other portions of the show grounds at any horse show or exhibition or similar areas adjacent to the show grounds, and vans or trucks on any such grounds or areas, where any horse in his custody is located, upon the request and identification of such representative, manager, or veterinarian, for purposes of inspecting any such horse pursuant to the Act.

HORSE SHOW OR EXHIBITION SPONSORS AND MANAGERS

§ 11.20 Prohibition concerning horse show or exhibition sponsors and managers.

It is unlawful for any person to conduct any horse show or exhibition in which there is shown or exhibited any horse which is sore, unless:

(a) The sponsoring organization designates a veterinarian to examine all horses entered in the horse show or exhibition to determine whether they are sore and instructs him that his services are to assure compliance with the Act;

(b) The veterinarian examines the horses entered in any class at a horse show or shown at any exhibition within 4 hours prior to the calling of the class or the exhibiting of the horse, in what-

ever way is necessary to determine whether any such horse is sore, and he observes such horses while they are performing at the horse show or exhibition and inspects them at such other times as is necessary for determining whether any horse shown or exhibited at the horse show or exhibition was sore.

(c) The veterinarian reports his findings of apparent sores to the show judge and a representative of show management, in writing, before the class is tied or before the conclusion of the exhibition. A copy of his findings is also sent to the Veterinarian in Charge for the State in which the horse show or exhibit is held, within 72 hours following the conclusion of the horse show or exhibition.

(d) The show manager immediately causes to be removed from participation in any class at the horse show or from the exhibition all horses designated by the veterinarian as being sore, or otherwise found by the show manager to be sore.

§ 11.21 Notice of horse show or exhibition.

(a) The sponsoring organization for any horse show or exhibition shall, by use of a form furnished by the Department, give notice to the Veterinarian in Charge for the State where the horse show or exhibition is to be held, no later than 30 days prior to the beginning of the show or exhibition, concerning its intent to conduct such show or exhibition. This form, obtained from the Veterinarian in Charge in the State where the horse show or exhibition is to be held, shall include the following information:

(1) Dates, times, and place of the horse show or exhibition.

(2) Sponsoring organization; and name, address, and telephone number of any person, designated by such organization to maintain records as required by § 11.22 on behalf of the organization.

(3) Show manager's name, address, and telephone number.

(4) Statement that the sponsoring organization and the show manager will comply with the Act and the rules and regulations thereunder and will direct all employees and agents of the sponsoring organization to comply with such provisions.

(5) Name, address, and telephone number of the veterinarian, if any, employed to make inspections under § 11.20.

(6) Name and address of show judges and the breeds or classes which they are judging, who have been selected to officiate at the horse show or exhibition.

(b) The notification required by paragraph (a) of this section shall be signed by an officer of the sponsoring organization and by the show manager.

(c) A copy of the official program shall be attached to the notification required by paragraph (a) of this section at time of submission of the notice, or, if not available at that time, mailed to the Veterinarian in Charge as quickly as available.

§ 11.22 Records required; and disposition thereof.

(a) Copies of all entry forms filed by the exhibitors as required by § 11.3 shall be kept by the sponsoring organization of any horse show or exhibition, or by the designee of such organization, for a period of 1 year after the closing date of the horse show or exhibition, unless the Director, in writing, in specific cases authorizes their disposition within such period, or unless furnished to the Department under § 11.25. Further, when the Director notifies the sponsoring organization, or its designee, in writing, that specific records are needed for completion of an investigation or proceeding under the Act, such sponsoring organization, or designee, shall keep such records until their disposition is authorized by the Director.

§ 11.23 Inspection of records.

(a) Upon request and during ordinary business hours, or such other times as may be agreed upon, the sponsoring organization and any designee thereof, shall permit any Division representative to examine all records required to be kept by the regulations in this part, and to make copies of such records. A room, table, or other facilities necessary for proper examination of the records, shall be made available to the Division representative.

§ 11.24 Access to premises for inspection of horses.

The sponsoring organization and the show manager of any horse show or exhibition shall, without fee, charge, assessment, or other compensation, provide unlimited access to the Division representative to the grandstands and all other areas of the show or exhibition grounds and adjacent areas under their control on the request and after identification of such representative for purposes of inspection of horses or records as provided in this part.

§ 11.25 Reporting by show manager.

The show manager of any horse show or exhibition shall send by mail within 72 hours following the conclusion of the horse show or exhibition, to the Veterinarian in Charge for the State where the horse show or exhibition was held, the entry form required by § 11.3 of each horse that was deemed by the veterinarian designated under § 11.20, or by the show manager to be sore, or was found by the show manager to have been handled otherwise in violation of § 11.2; the names and addresses of the owners, riders, and trainers of all such horses, and the classes, if any, in which such horses were entered.

§ 11.26 Entry forms.

(a) The show manager shall require each exhibitor at any horse show or exhibition to execute an entry form approved or furnished by the Department, and obtained from the Veterinarian in Charge in the State where the horse show

or exhibition is to be held, showing the following information:

- (1) Horse's name; and registration number, if any.
- (2) Horse's breed, age, sex, color, and height.
- (3) Address of home barn of the horse; and location from which the horse was transported to the horse show or exhibition.
- (4) Exhibitor's name and address.
- (5) Class(es) entered, if any.
- (6) Entry number.
- (7) Stall and barn number, if any, or other place where the horse is kept while at the horse show or exhibition.
- (8) Name, place, and date of horse show or exhibition.

TRANSPORTATION

§ 11.40 Prohibitions and requirements concerning persons involved in transportation of certain horses in commerce.

(a) It is unlawful for any person to ship, transport, or otherwise move, or deliver or receive for movement, in commerce, for the purpose of showing or exhibition, any horse which such person has reason to believe is sore.

(b) Each person who ships, transports, or otherwise moves, or delivers or receives for movement, in commerce, for the purpose of showing or exhibition, any horse, shall allow and assist in the inspection of any such horse as provided in § 11.5 and shall furnish to any Division representative upon his request and in the manner requested the following information:

- (1) Name and address of horse owner and of shipper, if different than the owner or trainer;
- (2) Name and address of horse trainer;
- (3) Name and address of carrier transporting the horse, and of driver of the means of conveyance used;
- (4) Origin of the shipment and date thereof;
- (5) Destination of shipment.

ENFORCEMENT

§ 11.41 Violations and penalties.

A violation of any provision of the Act or the regulations in this part is unlawful and any person committing such a violation is subject to a civil penalty up to \$1,000 or criminal penalties up to \$2,000 and 6 months' imprisonment for each such violation, as prescribed in section 6 of the Act.

Statement of considerations. After passage of the Horse Protection Act of 1970, meetings held with various segments of the affected industry have provided the Department with many divergent views and considerable factual information as to the possible methods of diagnosis of soreing and enforcement of the Act. Consideration has been given to the views expressed and the foregoing specified regulations are proposed on the basis of the information presently available in an effort to effectuate the purposes of the Act in a practical manner.

One of the areas of great concern and the most frequently mentioned had to do with the scope of the Act. Since no specific breed was mentioned in the Act, much discussion was had as to what was meant by the word "horse" as used in the Act.

The Act is applicable to all breeds of horses and accordingly the regulations proposed herein would apply to all breeds.

A great deal of information has been offered regarding the use and purpose of boots. There has been considerable debate as to what constitutes a protective device. It appears that those used as a protective boot have been designed to protect a specific area and are, by virtue of this design, fixed in a specific position. Boots meeting these criteria consequently would be permitted under the proposed regulations. Hinged boots, half fixed and half semifixed in nature, appear to be protective devices and would be permitted if there are no weights in the upper half of the boot and the boots meet other requirements. The rubber bell boot, as is presently designed and used, does not seem to cause pain or extreme physical distress. The leather bell boot has received the most comment and consideration. Those containing protrusions such as the knocker boot and roll boot appear to be designed to concentrate the force and the weight on the most sensitive area of the foot and are classified under the proposed regulations as soring devices. The smooth bell boot, flared enough to fit over the coronary band, riding primarily on the hoof wall when the foot is in contact with the ground would be, within certain weight limitation, acceptable under the proposed regulations. If the proposed regulations are adopted, there would be continuous surveillance as to how these various boots are used, with appropriate action to follow if abuses are observed.

Horse show managers have expressed concern since the Act specifies, "It shall be unlawful for any person to conduct any horse show or exhibition in which there is shown or exhibited a horse which is sore." The feeling expressed was that show management would be held responsible for actions done by others. The Department is informed that management has always had the right to excuse or disqualify horses for various reasons and that this requirement of the law does not impose an unusual responsibility. Since it has frequently been said that the "judge" is a qualified person to detect soreing and is always present at every horse show, legal methods to transfer responsibility and liability to the judge and be within the scope of the Act were sought. This authority is not granted in the Act. However, it has been pointed out that the sponsoring organization could employ the judge or other qualified person to advise the organization so as to enable it to comply with the Act. No charges were made in the proposed regulations in this respect since the originally proposed regulations would not prohibit such an arrangement.

Statements have been offered relative to horse inspection and methods of accomplishing it. It has been stated that eye-level inspection has been found acceptable and that there are inherent dangers if a stranger to the horse is permitted to handle the feet and legs of a horse. On the contrary, it has been contended that permission to inspect in any manner that the inspector desires is inherent in the Act, and that to authorize inspection and then limit what can be done in the way of inspectional procedures would be self-defeating ac-

tion. The proposed regulations provide for inspection by any means reasonably deemed necessary by the inspector.

Any person who wishes to submit written data, views, or arguments concerning the proposed regulations may do so by filing them with the Director, Animal Health Division, Agricultural Research Service, U.S. Department of Agriculture, Hyattsville, Md. 20782, within 30 days after publication of this notice in the *FEDERAL REGISTER*.

All written submissions made pursuant to this notice will be made available

for public inspection at times and places and in a manner convenient to the public business (7 CFR 1.27(b)).

NOTE: The recordkeeping and/or reporting requirements contained herein have been approved by the Office of Management and Budget in accordance with the Federal Reports Act of 1942.

Done at Washington, D.C. this 25th day of October 1971.

F. J. MULHERN,
Acting Administrator,
Agricultural Research Service.

[FR Doc.71-16154 Filed 11-4-71; 8:45 am]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Animal and Plant Health Service, Department of Agriculture

SUBCHAPTER A—ANIMAL WELFARE

PART 11—HORSE PROTECTION REGULATIONS

On July 1, 1971, and November 5, 1971, there were published in the *FEDERAL REGISTER* (36 F.R. 12586-12588 and 36 F.R. 21318-21321) notices with respect to proposed regulations relating to the protection of certain show horses against the practice of "soring," to appear as new Part 11 in Chapter I, Subchapter A, Title 9, Code of Federal Regulations. Such notices gave interested persons periods of 60 and 30 days, respectively, from the date of publication of the notices, in which to submit written data, views, and arguments concerning the proposed regulations. On December 3, 1971, there was published in the *FEDERAL REGISTER* (36 F.R. 23072) a notice of extension of time allowing an additional 30 days for submission of written data, views, and arguments on the proposed regulations. After due consideration of all relevant material in connection with said notices and pursuant to the Act of December 9, 1970 (Public Law 91-540; 84 Stat. 1404; 15 U.S.C. 1821-1831), a new Part 11 is hereby added to Chapter I, Subchapter A, Title 9, Code of Federal Regulations to read:

Statement of considerations. After passage of the Horse Protection Act of 1970, meetings held with various segments of the affected industry provided the Department with many divergent views and considerable factual information as to the possible methods of diagnosis of soring and enforcement of the Act. Consideration has been given to the views expressed and the following specified regulations are based on all information presently available, in an effort to effectuate the purposes of the Act in a practical manner.

One of the areas of great concern and the most frequently mentioned had to do with the scope of the Act. Since no specific breed was mentioned in the Act, much discussion was had as to what was meant by the word "horse" as used in the Act.

The Act is applicable to all breeds of horses and accordingly the regulations proposed herein would apply to all breeds.

A great deal of information has been offered regarding the use and purpose of boots. There has been considerable de-

bate as to what constitutes protective devices. It appears that some boots used for horses have been designed to protect a specific area and are, by virtue of this design, fixed in a specific position and are truly protective devices.

Boots meeting these criteria consequently would be permitted under these regulations. Hinged boots, half fixed and half semifixed in nature, appear to be protective devices and would be permitted if there are no weights in the upper half of the boot and the boots meet other requirements. The rubber bell boot, as presently designed and used, does not seem to cause pain or extreme physical distress. The leather bell boots have received the most comment and consideration. Those containing protrusions such as the knocker boot and roll boot appear to be designed to concentrate force and weight on the most sensitive area of the foot and are classified under these regulations as soring devices. The smooth bell boot, flared enough to fit over the coronary band, riding primarily on the hoof wall when the foot is in contact with the ground would be, within certain weight limitation, acceptable under the regulations. The proposition that a horse as large as 1,200 pounds can carry more than the stipulated 16 ounces overlooks the fact that larger animals are not more immune to pain than smaller ones. Each is sensitive to punishment directed at the coronary area of the fore foot.

The prohibition of substances such as greases and dyes has received considerable attention. It is recognized that dyes would aid in changing the identity of a horse as well as acting as a camouflage to signs of soring. Colored substances as well as clear substances can act as vehicles to soring chemicals and serve as an adhesive to foreign material, and become abrasive in nature.

Horse show managers have been concerned since the Act specifies, in part, "it shall be unlawful for any person to conduct any horse show or exhibition in which there is shown or exhibited a horse which is sored." The feeling expressed was that show management would be held responsible for actions done by others. The Department is informed that management has always had the right to excuse or disqualify horses for various reasons and that this requirement of the law does not impose an unusual responsibility. Since it has frequently been said that the horse show judge is a qualified person to detect soring and is always present at every horse show, legal methods to transfer responsibility and liability to the judge within the scope of the Act were sought. This authority is not granted in the Act. However, the sponsoring organization could employ the judge or other qualified person to advise the organization so that it may fulfill its obligation to comply with the Act. No changes are made in the regulations in this respect since the originally proposed regulations would not prohibit such an arrangement.

Provisions have been made in the regulations to relieve the sponsoring organization of liability when sored horses are shown, if the sponsoring organization

obtains the services of a licensed accredited veterinarian whose duties will be to examine horses for sores and advise show management of his findings, and the show management excludes from the show or exhibition any horses identified as sores or otherwise in violation of the regulations. The regulations do not impose any liability upon the veterinarian merely because of his advisory role in providing his professional services in good faith to the sponsoring organization.

The necessity for recordkeeping was recognized by the Congress and thoroughly discussed in the House and Senate reports on the bill which became the Act. Recordkeeping provisions are incorporated in section 5(b) of the Act. The Department recognizes both the need for records to implement the Act and the burden this requirement places upon show management. Records are vital for orderly enforcement of the Act, particularly those aspects concerned with commerce. After studying comments received on earlier proposals, recordkeeping requirements in the regulations have been reduced to the minimum level deemed adequate to provide for orderly enforcement of the Act. The required information is normally available in records of a horse show or exhibition. The regulations do not require advance notification to the Department of horse shows or exhibitions. The proposed requirements for entry forms have also been omitted from the regulations in an effort to simplify the requirements under the Act. It is the Department's intention to determine during the initial phases of operation under these regulations whether or not the recordkeeping and other requirements are adequate to permit proper administration of the Department's responsibilities under the Act. If not, consideration will be given to strengthening these requirements.

Some of the comments on the proposed regulations relating to horse inspection and methods of accomplishing it, stated that eye-level inspection has been found acceptable and that there are inherent dangers if a stranger to a horse is permitted to handle the feet and legs of the horse. However, authority to inspect in any manner that the inspector deems necessary for effective enforcement of the Act is provided in the Act. To authorize inspections and then limit what can be done in the way of inspectional procedures would be self-defeating. The inspection authority must, of course, be exercised reasonably. Accordingly, the regulations provide for inspection by any means reasonably deemed necessary by the inspector.

GENERAL

Sec.

11.1 Definitions.

EXHIBITORS

- 11.2 Prohibitions concerning exhibitors.
- 11.3 Boots.
- 11.4 Inspection of horses.
- 11.5 Access to premises for inspection of horses.

HORSE SHOW OR EXHIBITION SPONSORS AND MANAGERS

Sec.

- 11.20 Prohibitions concerning horse show or exhibition sponsors and managers.
- 11.21 Records required; and disposition thereof.
- 11.22 Inspection of records.
- 11.23 Access to premises for inspection of horses.
- 11.24 Reporting by show manager.

TRANSPORTATION

- 11.40 Prohibitions and requirements concerning persons involved in transportation of certain horses in commerce.

ENFORCEMENT

- 11.41 Violations and penalties.

AUTHORITY: The provision of this Part 11 issued under sec. 9, 84 Stat. 1408; 15 U.S.C. 1828; 29 F.R. 16210, as amended, 38 F.R. 20707.

GENERAL

§ 11.1 Definitions.

For the purposes of this part, unless the context otherwise requires, the following terms shall have the meanings assigned to them in this section. The singular form shall also import the plural and the masculine form shall also import the feminine. Words of art undefined in the following paragraphs shall have the meaning attributed to them by trade usage.

(a) "Act" means the Act of December 9, 1970 (Public Law 91-540; 84 Stat. 1404; 15 U.S.C. 1821-1831) cited as the Horse Protection Act of 1970.

(b) "Department" means the U.S. Department of Agriculture.

(c) "Administrator" means the Administrator of the Animal and Plant Health Service of the Department, or any officer or employee of said Service to whom authority has heretofore been delegated or to whom authority may hereafter be delegated to act in his stead.

(d) "Veterinary Services" means the office of the Animal and Plant Health Service to which is assigned responsibility for the performance of functions under the Act.

(e) "Deputy Administrator" means the Deputy Administrator for Veterinary Services or any other officer or employee of Veterinary Services to whom authority has heretofore been delegated or to whom authority may hereafter be delegated to act in his stead.

(f) "Veterinarian in Charge" means the Veterinary Services veterinarian who is assigned by the Deputy Administrator to supervise and perform the official work of Veterinary Services under the Act in a specified State.¹

(g) "Veterinarian" means a graduate from a College of Veterinary Medicine who is licensed in the State in which he practices and has been accredited by the

U.S. Department of Agriculture as described in § 161.1 of this title.

(h) "Veterinary Services representative" means any inspector employed by Veterinary Services who is designated by the Veterinarian in Charge, or any officer or employee of any State agency who is authorized by the Deputy Administrator to perform any function under the Act.

(i) "State" means a State, the District of Columbia, Commonwealth of Puerto Rico, or other possession of the United States.

(j) "Person" means any individual, corporation, company, association, firm, partnership, society, joint stock company, or other legal entity.

(k) "Horse" means any member of the species *Equus caballus*.

(l) Except in §§ 11.21 and 11.22, "horse show" means a public display of any horses, in competition, to which any horse was moved in commerce. In §§ 11.21 and 11.22, "horse show" means a public display of any horses in competition. Such definitions are not to be construed to include events where speed is the prime factor, nor rodeo events, parades or trail rides.

(m) Except in §§ 11.21 and 11.22, "exhibition" means a public display of any horses, singly or in groups, but not in competition, if any horse was moved to such display in commerce. In §§ 11.21 and 11.22, "exhibition" means a public display of any horses, singly or in groups, but not in competition. Such definitions are not to be construed to include events where speed is the prime factor, nor rodeo events, parades or trail rides.

(n) "Boot" means any device which encircles the lower extremity of a leg of a horse and which may be made of leather, cloth, felt, or other material.

(o) "Commerce" means commerce between a point in any State and any point outside thereof, or between points within the same State but through any place outside thereof, or within the District of Columbia, or from any foreign country to any point within the United States.

(p) "Inspection" of a horse means an examination of the horse by use of whatever means are reasonably deemed necessary by the inspector to determine whether the horse is sores. This may include, but is not limited to, visual examination, touching, use of any diagnostic device or instrument, and requiring the removal of any shoes, pads, and other equipment from the horse.

(q) "Sponsoring organization" means the Association or other persons under whose immediate auspices a horse show or exhibition is conducted.

(r) "Show manager" means the person who has been delegated primary authority for managing a horse show or exhibition by a sponsoring organization, and has accepted the responsibility involved.

(s) "Exhibitor" means the owner or other person who enters a horse in any horse show or exhibition.

(t) (1) "Sored horse" is a horse that has been subjected, after December 9, 1970, to one or more of the following for the purpose of affecting its gait:

¹ Information as to the name and address of the Veterinarian in Charge for the State concerned can be obtained by writing to the Deputy Administrator, Veterinary Services, Animal and Plant Health Service, U.S. Department of Agriculture, Hyattsville, Md. 20782.

(i) A blistering agent has been applied internally or externally to any of the legs, ankles, feet, or other parts of the horse;

(ii) Burns, cuts, bruises, or lacerations have been inflicted on the horse;

(iii) A chemical agent, or tacks or nails have been used on the horse; or

(iv) Any other cruel or inhumane method or device has been used on the horse, including but not limited to, chains or boots; which may reasonably be expected (a) to result in physical pain to the horse when walking, trotting, or otherwise moving, (b) to cause extreme physical distress to the horse, or (c) to cause inflammation. However, a horse given therapeutic treatment by a veterinarian, to relieve pain, lameness, or disability or to restore its normal gait, shall not be considered sore.

(2) A horse shall be considered sore if, as a result of the use of pads on the front feet or other artificial devices or means, the length of the toe does not exceed the height of the heel by 1 inch or more when measured from the ground to the hair line.

EXHIBITORS

§ 11.2 Prohibitions concerning exhibitors.

(a) It is unlawful for any person to show or exhibit, or enter for the purpose of showing or exhibiting, in any horse show or exhibition, any horse which is sore.

(b) No chains, rollers, or other device or method shall be used with respect to any horse at any horse show or exhibition if such use causes the horse to be sore.

(c) No boots other than those permitted under § 11.3 shall be used on any horse at any horse show or exhibition.

(d) Substances such as, but not limited to, greases, dyes, stains, or polishes shall not be used on the extremities, above the hoof but below the fetlock, of any horse while being shown or exhibited at any horse show or exhibition, unless the exhibitor furnishes to the Veterinary Services representative, upon his request, a certification from a veterinarian that such substance was applied for beneficial therapeutic purposes and its presence during such showing or exhibition was required for such purposes.

§ 11.3 Boots.

The only boots permitted to be used under the regulations in this part on any horse shall be:

(a) Those boots known to the industry as "fixed boots." These include types such as, but not limited to, heel boots, trotting boots, skid or sliding boots, splint boots, quarter boots, and shoeguard boots.

(b) Hinged quarter boots which meet the following requirements: The lower portion of the boot shall be firmly attached by a strap and buckle or similar humane device to the foot below the hairline. The upper half of the boot shall be fastened to the lower half in such a manner that there shall be not more than a 1-inch separation between the two halves and that such connection

shall not cause pain or discomfort. The upper half of the boot shall be constructed in such a way that any part in contact with the skin shall be soft, smooth, and free of projections. No attachments, weights, or other devices shall be affixed to the upper half of the boot, except that a fastening device may be used if it is so designed and used as to avoid physical pain to the horse when moving and to avoid extreme physical distress and inflammation of any part of the horse.

(c) Rubber bell boots.

(d) Leather bell boots; *Provided*, That:

(1) The inside must be smooth and free of all swellings, projections, or sharp edges;

(2) The lining must be of soft leather, felt or similar material;

(3) The boots shall not weigh in excess of 16 ounces each;

(4) The bell portion, exclusive of the soft roll on the top, shall be a minimum of 2½ inches in height.

§ 11.4 Inspection of horses.

For the effective enforcement of the Act:

(a) Each horse owner and other person having custody of any horses shall allow any Veterinary Services representative to inspect the horses in his custody at such times and places as the Veterinary Services representative may designate, while such horses are being moved in commerce or thereafter.

(b) Each horse owner and other person having custody of any horses shall allow any Veterinary Services representative, the show manager or his representative, and any veterinarian designated under § 11.20 to inspect such horses at such reasonable times and places as such inspector may require while the horses are at any horse show or exhibition.

(c) When any Veterinary Services representative, in writing, notifies the owner of any horse, or other person having custody of the horse, that inspection of such horse is required to be made after the horse has been shown or exhibited at any horse show or exhibition, such horse shall not be moved from the horse show or exhibition premises unless the owner or other custodian agrees, in writing, to make the horse available for inspection by a Veterinary Services representative at a time and location agreeable to such representative and does in fact make the horse available for such inspection.

(d) The person having custody of the horses to be inspected shall render such assistance as the inspector may reasonably request for purposes of such inspection.

§ 11.5 Access to premises for inspection of horses.

Each exhibitor shall, without fee, charge, assessment, or compensation, admit any Veterinary Services representative, the show manager, and any veterinarian designated under § 11.20, to all areas of barns, compounds, and other

portions of the show grounds at any horse show or exhibition, or similar areas adjacent to the show grounds, and vans or trucks on any such grounds or areas, where any horse in his custody is located, upon the request and identification of such representative, manager, or veterinarian, for purposes of inspecting any such horse pursuant to the Act.

HORSE SHOW OR EXHIBITION SPONSORS AND MANAGERS

§ 11.20 Prohibition concerning horse show or exhibition sponsors and managers.

It is unlawful for any person to conduct any horse show or exhibition in which there is shown or exhibited any horse which is sore, unless he can establish that he has complied with the provisions of this section. No violation of this prohibition will be deemed to occur if:

(a) The sponsoring organization or show manager shall identify all horses that are sore or otherwise in violation of § 11.2 and cause them to be removed from participation in any class at the horse show, prior to the tying of the class, or from exhibition before the end of the exhibition.

(b) Alternatively:

(1) The sponsoring organization shall designate a veterinarian to examine and observe all horses at the show or exhibition to determine whether any such horses are sore.

(2) The veterinarian so designated shall examine the horses entered in any class at the horse show or shown in any exhibition, in whatever way he deems necessary to determine whether any such horse is sore. He shall observe such horses while they are performing at the horse show or exhibition and shall inspect them at such other times at the show or exhibition as he deems necessary to determine whether any horse shown or exhibited was sore.

(3) The veterinarian so designated shall report, in writing, any horses which he considers are sore to the show judge and to the show manager before the class is tied or before the conclusion of the exhibition. Not later than 72 hours following the conclusion of the horse show or exhibition the veterinarian shall send to the veterinarian in charge for the State in which the horse show or exhibition is held a report identifying each horse considered by him to be sore.

(4) The show manager shall ascertain whether any horse is otherwise in violation of § 11.2.

(5) The show manager shall immediately cause to be removed from participation in such class at the horse show or from the exhibition all horses designated by the veterinarian as sore or otherwise known to be sore, and any horses found by the show manager to be otherwise in violation of § 11.2.

§ 11.21 Records required, and disposition thereof.

(a) The sponsoring organization for any horse show or exhibition, or the

designee of the organization shall maintain for a period of 90 days following the closing date of the horse show or exhibition, records containing:

(1) The dates and place of the horse show or exhibition;

(2) The show manager's name and address;

(3) A statement signed by an officer of the sponsoring organization that it will comply with the Act and will direct the show manager and all employees and agents of the sponsoring organization to comply with the provisions of the Act;

(4) The name and address of the veterinarian, if any, employed to make inspections under § 11.20;

(5) The name and address of each show judge;

(6) A copy of the official program, if any; and

(7) The identification of each horse and his owner, exhibitor, and home barn.

(b) The sponsoring organization for any horse show or exhibition shall furnish to any Veterinary Services representative, upon his request, the name and address of any person designated by the organization to maintain the records required by this section.

(c) The Deputy Administrator may, in specific cases, authorize a period of retention of records required by this section for less than 90 days.

§ 11.22 Inspection of records.

(a) Upon request and during ordinary business hours, or such other times as may be agreed upon, the sponsoring organization and any designee thereof shall permit any Veterinary Services representative to examine all records required to be kept by the regulations in this part and to make copies of such records. A room, table, or other facilities necessary for proper examination of the records shall be made available to the Veterinary Services representative.

§ 11.23 Access to premises for inspection of horses.

The sponsoring organization and the show manager of any horse show or exhibition shall, without fee, charge, assessment, or other compensation, provide the Veterinary Services representative upon request and after identification of the representative, with unlimited access to the grandstands and all other areas of the show or exhibition grounds and adjacent areas under their control, for purposes of inspection of horses or records as provided in this part.

§ 11.24 Reporting by show manager.

Within 72 hours following the conclusion of the horse show or exhibition, the show manager of the horse show or exhibition shall send by mail to the Veterinarian in Charge for the State where the horse show or exhibition was held, the information required by, § 11.21(a) (7) for each horse that was reported as sore by the veterinarian designated under § 11.20, or was found by the show man-

ager to be sore or otherwise in violation of § 11.2.

TRANSPORTATION

§ 11.40 Prohibitions and requirements concerning persons involved in transportation of certain horses in commerce.

(a) It is unlawful for any person to ship, transport, or otherwise move, or deliver or receive for movement, in commerce, for the purpose of showing or exhibition, any horse which such person has reason to believe is sore.

(b) Each person who ships, transports, or otherwise moves, or delivers or receives for movement, in commerce, for the purpose of showing or exhibition, any horse, shall allow and assist in the inspection of such horse as provided in § 11.4 and shall furnish to any Veterinary Services representative upon his request and in the manner requested the following information:

(1) Name and address of the horse owner and of the shipper, if different from the owner or trainer;

(2) Name and address of the horse trainer;

(3) Name and address of the carrier transporting the horse, and of the driver of the means of conveyance used;

(4) Origin of the shipment and date thereof;

(5) Destination of shipment.

ENFORCEMENT

§ 11.41 Violations and penalties.

A violation of any provision of the Act or the regulations in this part is unlawful and any person committing such a violation is subject to a civil penalty up to \$1,000 or criminal penalties up to \$2,000 and 6 months imprisonment for each such violation, as prescribed in section 6 of the Act.

The foregoing regulations implement the Horse Protection Act and should be made effective promptly in order to effectuate the objectives of the Act. The regulations differ in some respects from the provisions proposed in the notices of rule making. The differences are due to changes made pursuant to comments from interested persons or in the interests of clarification and consistency. It does not appear that further public participation in connection with the issuance of the regulations would make additional information available to the Department. Therefore, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that such further public proceedings are impracticable and unnecessary and good cause is found for making the regulations effective less than 30 days after their publication in the *FEDERAL REGISTER*.

Effective date. The foregoing regulations shall become effective upon publication in the *FEDERAL REGISTER* (2-1-72)

NOTE: The recordkeeping and reporting requirements contained herein have been approved by the Office of Management and Budget in accordance with the Federal Reports Act of 1942.

Done at Washington, D.C., this 28th day of January 1972.

F. J. MULHERN,

Administrator,

Animal and Plant Health Service.

[FR Doc 72-1524 Filed 1-31-72; 8:51 am]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Animal and Plant Health Inspection Service, Department of Agriculture

SUBCHAPTER A—ANIMAL WELFARE

PART 11—HORSE PROTECTION

Clarification of Boots

Pursuant to the provisions of the Act of December 9, 1970 (Public Law 91-540; 84 Stat. 1404; 15 U.S.C. 1821-1831), Part 11, Title 9, Code of Federal Regulations, relating to the protection of certain show horses against the practice of "soring" is hereby amended in the following respects:

Section 11.3 is amended to read:

§ 11.3 Boots.

The only boots permitted to be used under the regulations in this part on any horse shall be:

(a) Those boots known to the industry as "fixed boots." These include types such as, but not limited to, heel boots, trotting boots, skid or sliding boots, splint boots, quarter boots, and shoe-guard boots.

(b) Hinged quarter boots which meet the following requirements: The lower portion of the boot shall be firmly attached by a strap and buckle or similar humane device to the foot below the hair-line. The upper half of the boot shall be fastened to the lower half in such a manner that there shall be not more than a 1-inch separation between the two halves and that such connection does not cause pain or discomfort. The upper half of the boot shall be constructed in such a way that any part in contact with the skin shall be soft, smooth, and free of projections. No attachments, weights, or other devices shall be affixed to the upper half of the boot, except that a fastening device may be used if it is so designed and used as to avoid physical pain to the horse when moving and to avoid extreme physical distress and inflammation of any part of the horse.

(c) Rubber bell boots which are characterized by a bell shape and soft flexible rubber and which weigh 16 ounces or less.

(d) Leather bell boots: *Provided*, That: (1) The inner surface of the boot must be smooth, straight and flat and free of all swellings, projections, or sharp edges, except for any unavoidable structural irregularities;

(2) The lining must be soft leather, felt or similar material;

(3) The boots shall not weigh in excess of 16 ounces each;

(4) The bell portion, exclusive of any soft roll on the top, shall completely encircle the pastern and shall be a minimum of 2½ inches in height.

(Sec. 9, 84 Stat. 1406; 15 U.S.C. 1828; 29 F.R. 16210, as amended; 37 F.R. 6327, 6505)

Effective date. The foregoing amendment shall become effective upon publication in the FEDERAL REGISTER (5-4-72).

The purpose of this amendment is to clarify the provisions of the regulations in § 11.3 which specify the kind of boots permitted to be used under the regulations in this part on any horse.

The foregoing amendment should be made effective promptly in order, to effectuate the objectives of the Horse Protection Act. Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and unnecessary, and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 1st day of May 1972.

F. J. MULHERN,
Acting Administrator, Animal
and Plant Health Inspection
Service.

[FR Doc.72-6791 Filed 5-3-72; 8:49 am]

NORTH EAST REGIONAL ANIMAL CARE
TRAINING PROGRAM

Lexington, Kentucky

April 10-14, 1972

SPEAKERS

Dr. R. L. Alkire, Veterinarian in Charge,
Animal Health, Trenton, New Jersey
Dr. G. E. Blake, Regional Director, (N. E.
States, Veterinary Services, Hyattsville,
Maryland
Mrs. William L. Blue, Vice President, American
Horse Protection Association, Great Falls,
Virginia
Dr. O. F. Clabaugh, Staff Veterinarian, Animal
Care Staff, Hyattsville, Maryland
Dr. W. C. Ferrall, Veterinarian in Charge,
Animal Health, Waltham, Massachusetts
Dr. C. O. Finch, Senior Staff Veterinarian,
Animal Care Staff, Hyattsville, Maryland
Dr. L. T. Fisher, Veterinarian in Charge,
Animal Health, Frankfort, Kentucky
Dr. S. C. Gartman, Chief Staff Veterinarian,
Animal Care Staff, Hyattsville, Maryland
Mr. F. W. Germaine, Program Specialist, Animal
Care Staff, Hyattsville, Maryland
Dr. William S. Gochenour, Jr., Consulting
Veterinarian, Medical Center, University of
Kentucky, Lexington, Kentucky
Dr. C. L. Hendee, Veterinarian in Charge,
Animal Health, Lansing, Michigan
Mr. Max Heppner, Information Services, Animal
and Plant Health Service, Washington, D. C.
Admiral Edward King, Commissioner, National
Tennessee Walking Horse Commission,
Shelbyville, Tennessee
Dr. P. H. Kramer, Veterinarian in Charge,
Animal Health, Columbus, Ohio
Dr. G. T. Mainwaring, Veterinarian in Charge,
Animal Health, Harrisburg, Pennsylvania
Dr. John G. Martin, Veterinarian, Ashland,
Kentucky

Dr. Robert H. Mattlin, Director, Overton Park
Zoo, Memphis, Tennessee
Mr. Robert McCray, Superintendent, Kentucky
State Fair Horse Show, Louisville, Kentucky
Dr. V. L. Nickell, Veterinary Medical Officer,
Winchester, Kentucky
Dr. E. G. Ongert, Chief Staff Veterinarian,
Horse Protection, Animal Care Staff,
Hyattsville, Maryland
Dr. Steven Pakes, Chief, Laboratory Animal
Medicine, Ohio State University, Columbus, Ohio
Dr. Ivo Poglayen, Director, Louisville
Zoological Gardens, Louisville, Kentucky
Dr. D. L. Proctor, Lexington, Kentucky
Dr. R. J. Rodgers, Veterinarian in Charge,
Animal Health, Albany, New York
Dr. Lawrence J. Scanlan, Veterinarian,
Louisville Zoological Gardens, Louisville,
Kentucky
Dr. R. M. Scott, Veterinarian in Charge, Animal
Health, Montpelier, Vermont
Dr. D. F. Schwindaman, Chief Staff Veterinarian,
Animal Care Staff, Hyattsville, Maryland
Dr. G. H. Sheridan, Assistant Veterinarian,
Animal Health, Frankfort, Kentucky
Mr. Steven M. Tutt, Steven M. Tutt Farm,
Lexington, Kentucky
Dr. H. D. White, Veterinarian in Charge, Animal
Health, Charleston, West Virginia
Dr. C. W. Wilder, Veterinarian in Charge, Animal
Health, Augusta, Maine
Dr. Bob Womack, 1710 Elrod Street, Murfreesboro,
Tennessee
Dr. L. G. Northington, State Veterinarian,
Frankfort, Kentucky

MONDAY

<i>Chairman)</i>		<i>Dr. L. T. Fisher</i>
:00	Welcome.....	Dr. L. G. Northington
:15	University of Kentucky Animal Facilities.....	Dr. W. S. Gochenour, Jr.
:30	APHS - Animal Care Responsibility.....	Dr. G. E. Blake
:40	Quiz.....	Dr. O. F. Clabaugh
:00	Five Years of Experience.....	Dr. C. O. Finch
:45	BREAK	
:00	AWA of 1970 - "The Act".....	Dr. D. F. Schwindaman
:00	Basic Approach to Experimental Design.....	Dr. Steven Pakes
:00	LUNCH	
<i>Chairman)</i>		<i>Dr. R. J. Rodgers</i>
:00	CFR 9, Chapter 1, Part 1 - Definitions.....	Dr. S. C. Gartman
:00	Part 2 - Regulations.....	Dr. D. F. Schwindaman
:30	Registration & Licensing.....	Mr. Frank Germaine
	DINNER	
<i>Chairman)</i>		<i>Dr. C. W. Wilder</i>
:30	Employee Training at a Modern Zoo.....	Dr. Ivo Poglayen

TUESDAY

<i>Chairman)</i>		<i>Dr. C. L. Hendee</i>
8:00	Program Records - Parts 1 and 2.....	Mr. Frank Germaine
8:30	Standards - Part 3 (A, B, C, and D).....	Dr. D. F. Schwindaman
9:00	Program Records.....	Dr. S. C. Gartman
9:30	Auction Markets - Trade or Sales Days.....	Dr. C. O. Finch
10:00	BREAK	
10:20	Program Records - Purpose and Evaluation.....	Dr. D. F. Schwindaman
1:00	The Circus.....	Dr. John Martin
2:00	LUNCH	
<i>Chairman)</i>		<i>Dr. P. H. Kramer</i>
1:00	Exhibitors.....	Dr. D. F. Schwindaman
1:20	Exemptions - Research, Schools, Ets. Hobby Breeders Others Certain Animals as to Use.....	Dr. S. C. Gartman
2:20	Inspection of Circuses, Carnivals, Animal Acts.....	Dr. O. F. Clabaugh
3:10	BREAK	
3:25	Major Species and Breeds of Exhibit Animals.....	Dr. O. F. Clabaugh
4:00	Standards - Part 3 (E) Wild Animals.....	Dr. S. C. Gartman

SPEAKERS

Dr. R. L. Alkire, Veterinarian in Charge,
Animal Health, Trenton, New Jersey
Dr. G. E. Blake, Regional Director, (N. E.
States, Veterinary Services, Hyattsville,
Maryland
Mrs. William L. Blue, Vice President, American
Horse Protection Association, Great Falls,
Virginia
Dr. O. F. Clabaugh, Staff Veterinarian, Animal
Care Staff, Hyattsville, Maryland
Dr. W. C. Ferrall, Veterinarian in Charge,
Animal Health, Waltham, Massachusetts
Dr. C. O. Finch, Senior Staff Veterinarian,
Animal Care Staff, Hyattsville, Maryland
Dr. L. T. Fisher, Veterinarian in Charge,
Animal Health, Frankfort, Kentucky

Dr. S. C. Gartman, Chief Staff Veterinarian,
Animal Care Staff, Hyattsville, Maryland
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Dr. C. L. Hendee, Veterinarian in Charge,
Animal Health, Lansing, Michigan
Mr. Max Heppner, Information Services, Animal
and Plant Health Service, Washington, D. C.
Admiral Edward King, Commissioner, National
Tennessee Walking Horse Commission,
Shelbyville, Tennessee
Dr. P. H. Kramer, Veterinarian in Charge,
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Dr. G. T. Mainwaring, Veterinarian in Charge,
Animal Health, Harrisburg, Pennsylvania
Dr. John G. Martin, Veterinarian, Ashland,
Kentucky

Dr. Robert H. Mattlin, Director, Overton Park
Zoo, Memphis, Tennessee
Mr. Robert McCray, Superintendent, Kentucky
State Fair Horse Show, Louisville, Kentucky
Dr. V. L. Nickell, Veterinary Medical Officer
Winchester, Kentucky
Dr. E. G. Ongert, Chief Staff Veterinarian,
Horse Protection, Animal Care Staff,
Hyattsville, Maryland
Dr. Steven Pakes, Chief, Laboratory Animal
Medicine, Ohio State University, Columbus, Ohio
Dr. Ivo Poglayen, Director, Louisville
Zoological Gardens, Louisville, Kentucky
Dr. D. L. Proctor, Lexington, Kentucky
Dr. R. J. Rodgers, Veterinarian in Charge,
Animal Health, Albany, New York

Dr. Lawrence J. Scanlan, Veterinarian,
Louisville Zoological Gardens, Louisville,
Kentucky
Dr. R. M. Scott, Veterinarian in Charge, Animal
Health, Montpelier, Vermont
Dr. D. F. Schwindaman, Chief Staff Veterinarian,
Animal Care Staff, Hyattsville, Maryland
Dr. G. H. Sheridan, Assistant Veterinarian,
Animal Health, Frankfort, Kentucky
Mr. Steven M. Tutt, Steven M. Tutt Farm,
Lexington, Kentucky
Dr. H. D. White, Veterinarian in Charge, Animal
Health, Charleston, West Virginia
Dr. C. W. Wilder, Veterinarian in Charge, Animal
Health, Augusta, Maine
Dr. Bob Womack, 1710 Elrod Street, Murfreesboro,
Tennessee
Dr. L. G. Northington, State Veterinarian,
Frankfort, Kentucky

MONDAY

<i>(Chairman)</i>		<i>Dr. L. T. Fisher</i>
8:00	Welcome.....	Dr. L. G. Northington
8:15	University of Kentucky Animal Facilities.....	Dr. W. S. Gochenour, Jr.
8:30	APHS - Animal Care Responsibility.....	Dr. G. E. Blake
8:40	Quiz.....	Dr. O. F. Clabaugh
9:00	Five Years of Experience.....	Dr. C. O. Finch
9:45	BREAK	
10:00	AWA of 1970 - "The Act".....	Dr. D. F. Schwindaman
11:00	Basic Approach to Experimental Design.....	Dr. Steven Pakes
12:00	LUNCH	
<i>(Chairman)</i>		<i>Dr. R. J. Rodgers</i>
1:00	CFR 9, Chapter 1, Part 1 - Definitions.....	Dr. S. C. Gartman
2:00	Part 2 - Regulations.....	Dr. D. F. Schwindaman
4:30	Registration & Licensing.....	Mr. Frank Germaine
	DINNER	
<i>(Chairman)</i>		<i>Dr. C. W. Wilder</i>
7:30	Employee Training at a Modern Zoo.....	Dr. Ivo Poglayen

TUESDAY

<i>(Chairman)</i>		<i>Dr. C. L. Hendee</i>
8:00	Program Records - Parts 1 and 2.....	Mr. Frank Germaine
8:30	Standards - Part 3 (A, B, C, and D).....	Dr. D. F. Schwindaman
9:00	Program Records.....	Dr. S. C. Gartman
9:30	Auction Markets - Trade or Sales Days.....	Dr. C. O. Finch
10:00	BREAK	
10:20	Program Records - Purpose and Evaluation.....	Dr. D. F. Schwindaman
11:00	The Circus.....	Dr. John Martin
12:00	LUNCH	
<i>(Chairman)</i>		<i>Dr. P. H. Kramer</i>
1:00	Exhibitors.....	Dr. D. F. Schwindaman
1:20	Exemptions - Research, Schools, Ets. Hobby Breeders Others Certain Animals as to Use.....	Dr. S. C. Gartman
2:20	Inspection of Circuses, Carnivals, Animal Acts.....	Dr. O. F. Clabaugh
3:10	BREAK	
3:25	Major Species and Breeds of Exhibit Animals.....	Dr. O. F. Clabaugh
4:00	Standards - Part 3 (E) Wild Animals.....	Dr. S. C. Gartman

WEDNESDAY

(Chairman)

8:00	Guidelines for Inspection.....	Dr. W. C. Ferrall
	Research Facilities and Sites.....	Dr. C. O. Finch
	Dealers.....	Dr. S. C. Gartman
	Exhibitors.....	Mr. Frank Germaine
10:00	BREAK	Dr. O. F. Clabaugh
10:20	Evidence: What is it?.....	Dr. C. O. Finch
11:00	Violations and their Disposition.....	Mr. Frank Germaine
11:30	The Investigative Report of Violation.....	Mr. Frank Germaine
12:00	LUNCH	

(Chairman)

1:00	Applications for Exemptions and our Response.....	Dr. R. M. Scott
1:30	Questions Raised by Public and Review of Quiz.....	Dr. C. O. Finch
2:00	Introduction to the Horse Protection Training Session.....	Dr. O. F. Clabaugh
2:15	Humane Organizations - Their Interest and Impact upon the Horse Protection Legislation.....	Dr. G. E. Blake
2:30	Legislative History.....	Mrs. William L. Blue
2:45	BREAK	Mr. Max B. Heppner
3:00	Review of the Horse Protection Act of 1970 and the Conference Reports.....	Dr. C. O. Finch
4:00	Regulations.....	Dr. E. G. Ongert
4:30	Program Records.....	Mr. Frank Germaine
	DINNER	

(Chairman)

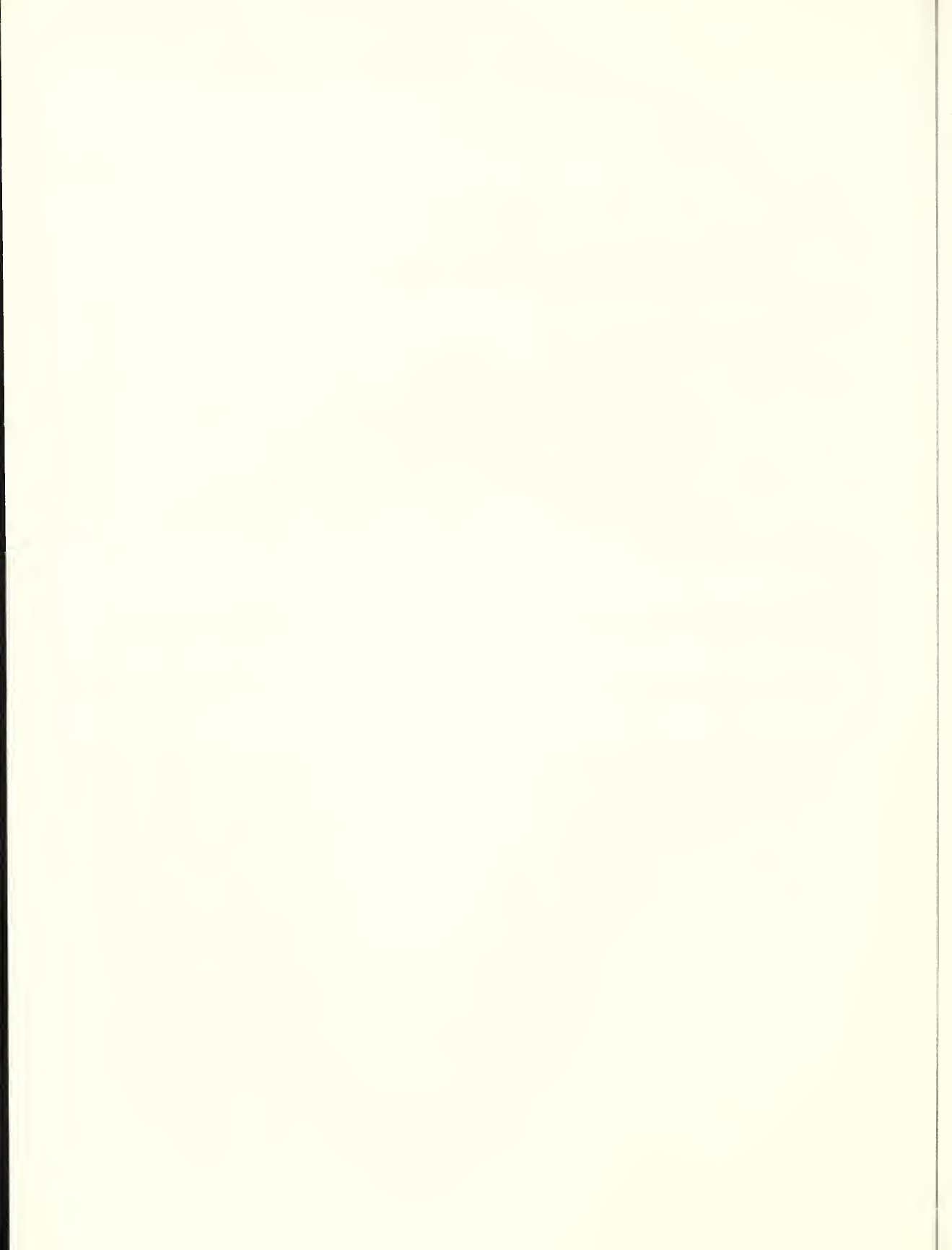
7:30	Films Depicting the Tennessee Walking Horse and their Gaits, Slide Presentation and Discussion on What is Soring and Why.....	Dr. R. L. Alkire
		Dr. Lawrence J. Scanlan
9:30	Open Discussion - Adjourn	Dr. E. G. Ongert

THURSDAY

<i>(Chairman)</i>		<i>Dr. G. T. Mairwaring</i>
8:00	Review of Films - Discussion of Boots and Other Training Aids.....	Dr. C. O. Finch
8:30	History of the Tennessee Walking Horse and the Impact of this Legislation on the Breed.....	Dr. Robert Womack
10:00	BREAK	
10:15	Horse Show Procedures - Entry Forms, Class Sheets, Selection of Judges, Judging Procedures, Etc.....	Dr. Bob McCray
11:00	Diagnosis of Lameness Inspection and Diagnostic Procedures.....	Adm. Edward King
12:00	LUNCH	
<i>(Chairman)</i>		<i>Dr. G. H. Sheridan</i>
1:00	Field Trip Practical Demonstration of Gaits, Training Procedures, Training Aids, Shoeing, Etc.....	Mr. Steve I. Tutt DeLong Pike Lexington, Kentucky

FRIDAY

<i>(Chairman)</i>		<i>Dr. H. D. White</i>
8:00	Zoos, Roadside Exhibits, Manageries.....	Mr. Robert H. Mattlin
9:00	Review and Comments on Field Trip.....	Dr. V. L. Nickell & Panel
9:30	Associations and Their Functions.....	Dr. D. L. Proctor
10:15	BREAK	
10:30	Summary of State Legislations.....	Dr. R. M. Scott
11:00	Investigations - Violations - Case Preparations.....	Dr. E. G. Ongert & Mr. Frank Germaine
12:00	LUNCH	
1:00	Summary - Reasons for Optimism.....	Dr. C. O. Finch
	Questions and Answers.....	Staff
	Presentation of Certificates.....	Staff



WESTERN REGIONAL ANIMAL CARE
TRAINING PROGRAM

Portland, Oregon

February 7-11, 1972

MONDAY

(Chairman)	Dr. O. J. Halverson
8:00 Welcome.....	Dr. Glenn B. Rea
8:10 APHS - Animal Care Responsibility.....	(Regional Director)
8:20 Quiz.....	Dr. E. G. Ongert
8:45 Five Years of Experience.....	Dr. C. O. Finch
9:45 BREAK	
10:00 AWA of 1970 - "The Act".....	Dr. D. F. Schwindaman
11:00 Basic Approach to Experimental Design.....	Dr. Stephen Seeger
12:00 LUNCH	
1:00 Panel of VIC'S - Moderator.....	(Regional Director)
"Past, Present, and Future".....	Drs. E. S. Cox, J. K. Atwell, and L. N. Miller, Jr.
2:30 CFR 9, Chapter 1, Part 1 (Definitions).....	Dr. E. G. Ongert
3:15 BREAK	
3:30 Part 11 (Regulations).....	Dr. D. F. Schwindaman
5:00 Comments and Discussion.....	Dr. O. J. Halverson
DINNER	
(Chairman)	Dr. J. A. Zimmerman
7:30 Keeper Training at a Modern Zoo.....	Dr. M. B. Maberry

TUESDAY

(Chairman)	Dr. A. P. Schneider
8:00 Program Records - Part 1, and Part 11.....	Dr. C. O. Finch
8:30 Standards - Part 111 (A, B, C, and D).....	Dr. D. F. Schwindaman
9:00 Program Form - Part 111.....	Dr. D. F. Schwindaman
9:30 Auction Markets - Trade or Sales Days.....	Dr. C. O. Finch
10:00 BREAK	
10:20 Program Records - Purpose and Evaluation and How to Use Them.....	Dr. D. F. Schwindaman
11:00 The Circus.....	Mr. Sid Kellner
12:00 LUNCH	
1:00 Exhibitors.....	Dr. D. F. Schwindaman
1:20 Inspection of Circuses, Carnivals, Touring Shows and Acts.....	Dr. C. O. Finch
2:10 Registration and Licensing.....	Dr. E. G. Ongert
2:40 Zoos, (Assoc.) Municipal, Roadside, Manageries.....	Dr. P. W. Ogilvie
3:00 BREAK	
3:20 Major Species and Breeds of Exhibit Animals.....	Dr. C. O. Finch
4:00 Standards Part 111 (E) Wild Animals.....	Dr. D. F. Schwindaman
5:00 Questions and Answers.....	Staff

WEDNESDAY

(Chairman) Dr. O. D. Corson

00 Guidelines for Inspection.....Dr. C. O. Finch
 Research Facilities and Sites.....Dr. D. F. Schwindaman
 Dealers.....Dr. E. G. Ongert
 Exhibitors.....Dr. C. O. Finch

00 BREAK

20 Evidence - What is It?.....Dr. C. O. Finch
 Violations and Their Disposition.....Dr. D. F. Schwindaman
 The Investigative Report of a Violation.....Dr. E. G. Ongert

00 LUNCH

(Chairman) Dr. C. R. Watson

00 Exemptions - Registration and Licensing.....Dr. D. F. Schwindaman
 Application for Exemptions and our Response.....Dr. C. O. Finch
 Questions Raised By Public and Review of Quiz.....Dr. E. G. Ongert

00 BREAK

15 Introduction of the Horse Protection Act of 1970.....(Regional Director)

30 Humane Organization - Their Interest and Impact Upon the Horse
 Protection Legislation.....Mrs. Wm. L. Blue
 Legislative History.....Dr. C. O. Finch
 Review of the Horse Protection Act of 1970 and the
 Conference Reports.....Dr. C. O. Finch

DINNER

(Chairman) Dr. E. G. Ongert

30 "Free and Easy" - Film.....Dr. E. G. Ongert
 00 What is Soring, and Why?.....Mr. Joe Biles
 45 "From the Cradle to the Crown" - Film.....Dr. E. G. Ongert

MONDAY

(Chairman) Dr. O. J. Halversen

8:00 Welcome.....Dr. Glenn B. R

8:10 APHS - Animal Care Responsibility.....(Regional Director)

8:20 Quiz.....Dr. E. G. Onger

8:45 Five Years of Experience.....Dr. C. O. Finn

9:45 BREAK

10:00 AWA of 1970 - "The Act".....Dr. D. F. Schwindama

11:00 Basic Approach to Experimental Design.....Dr. Stephen Seeg

12:00 LUNCH

1:00 Panel of VIC'S - Moderator.....(Regional Director)

"Past, Present, and Future".....Drs. E. S. Cox, J. K. Atwell, and L. N. Miller, J.

2:30 CFR 9, Chapter 1, Part 1 (Definitions).....Dr. E. G. Onger

3:15 BREAK

3:30 Part 11 (Regulations).....Dr. D. F. Schwindama

5:00 Comments and Discussion.....Dr. O. J. Halversen

DINNER

(Chairman) Dr. J. A. Zimmerman

7:30 Keeper Training at a Modern Zoo.....Dr. M. B. Mabery

TUESDAY

(Chairman) Dr. A. P. Schneide

8:00 Program Records - Part 1, and Part 11.....Dr. C. O. Finn

8:30 Standards - Part 111 (A, B, C, and D).....Dr. D. F. Schwindama

9:00 Program Form - Part 111.....Dr. D. F. Schwindama

9:30 Auction Markets - Trade or Sales Days.....Dr. C. O. Finn

10:00 BREAK

10:20 Program Records - Purpose and Evaluation and How to Use Them.....Dr. D. F. Schwindama

11:00 The Circus.....Mr. Sid Kellne

12:00 LUNCH

1:00 Exhibitors.....Dr. D. F. Schwindama

1:20 Inspection of Circuses, Carnivals, Touring Shows and Acts.....Dr. C. O. Finn

2:10 Registration and Licensing.....Dr. E. G. Onger

2:40 Zoos, (Assoc.) Municipal, Roadside, Manageries.....Dr. P. W. Ogilvi

3:00 BREAK

3:20 Major Species and Breeds of Exhibit Animals.....Dr. C. O. Finn

4:00 Standards Part 111 (E) Wild Animals.....Dr. D. F. Schwindama

5:00 Questions and Answers.....Staff

WEDNESDAY

(Chairman)

Dr. O. D. Corson

8:00 Guidelines for Inspection.....Dr. C. O. Finch
Research Facilities and Sites.....Dr. D. F. Schwindaman
Dealers.....Dr. E. G. Ongert
Exhibitors.....Dr. C. O. Finch

10:00 BREAK

10:20 Evidence - What is It?.....Dr. C. O. Finch

11:00 Violations and Their Disposition.....Dr. D. F. Schwindaman

11:30 The Investigative Report of a Violation.....Dr. E. G. Ongert

12:00 LUNCH

(Chairman)

Dr. C. R. Watson

1:00 Exemptions - Registration and Licensing.....Dr. D. F. Schwindaman

2:00 Application for Exemptions and our Response.....Dr. C. O. Finch

2:30 Questions Raised By Public and Review of Quiz.....Dr. E. G. Ongert

3:00 BREAK

3:15 Introduction of the Horse Protection Act of 1970.....(Regional Director)

3:30 Humane Organization - Their Interest and Impact Upon the Horse
Protection Legislation.....Mrs. Wm. L. Blue

3:45 Legislative History.....Dr. C. O. Finch

4:00 Review of the Horse Protection Act of 1970 and the
Conference Reports.....Dr. C. O. Finch

DINNER

(Chairman)

Dr. E. G. Ongert

7:30 "Free and Easy" - Film.....Dr. E. G. Ongert

8:00 What is Soring, and Why?.....Mr. Joe Biles

8:45 "From the Cradle to the Crown" - Film.....Dr. E. G. Ongert

THURSDAY

(Chairman)

Dr. R. W. Gerding

8:00 Review of Films and Discussion of Gaits.....Dr. E. G. Ongert
 8:30 History of the Tennessee Walking Horse.....Dr. E. G. Ongert
 Impact of this Legislation on the Breed.....Mr. Chester Gillespie
 9:15 "Associations" and their Functions.....Mrs. Lew Williams
 10:00 BREAK
 10:15 Horse Show Procedures - Entry Forms, Class Sheets, Selection of
 Judges, Judging Procedures.....Mr. Ed Ross
 11:00 State Legislation.....Drs. Ongert, Wommack, Corson, and Rea
 11:45 Questions and Answers.....Staff
 12:00 LUNCH

(Chairman)

Dr. R. W. Gerding

1:00 Field Trip
 Practical Demonstrations of Gaits, Training Procedures, Training
 Aids, Shoeing, etc.....Mr. Joe Biles

FRIDAY

(Chairman)

Dr. D. A. Price

8:00 Review and Comments of Field Trip.....Drs. E. G. Hamilton, R. G. Lynch, and C. Hayworth
 8:30 Regulations.....Dr. E. G. Ongert
 9:30 Program Records.....Dr. E. G. Ongert
 10:00 BREAK
 10:15 Violations - Investigations, Case Preparation.....Drs. C. O. Finch, E. G. Ongert
 11:00 Diagnosis of Lameness
 Inspection and Diagnostic Procedures.....Oregon Practitioners

12:00 LUNCH

(Chairman)

Dr. J. E. Rasmussen

1:00 Summary - Reasons for Optimism.....Dr. C. O. Finch
 Questions and Answers.....Staff
 Presentation of Certificates.....Staff

NORTH CENTRAL REGIONAL ANIMAL CARE
TRAINING PROGRAM

Kansas City, Missouri

March 13-17, 1972

SPEAKERS

Dr. M. J. Tillery, Regional Director (N. C. States), Veterinary Services, Hyattsville, Maryland

Dr. C. O. Finch, Senior Staff Veterinarian, Animal Care Staff, Veterinary Services, Hyattsville, Maryland

Dr. Oscar F. Clabaugh, Staff Veterinarian, Animal Care Staff, Veterinary Services, Hyattsville, Maryland

Dr. S. C. Gartman, Chief Staff Veterinarian, Animal Care Staff, Veterinary Services, Hyattsville, Maryland

Mr. Frank W. Germaine, Program Specialist, Animal Care Staff, Veterinary Services, Hyattsville, Maryland

Dr. Ernest C. Ongert, Chief Staff Veterinarian, Animal Care Staff, Veterinary Services, Hyattsville, Maryland

Dr. D. F. Schwindaman, Chief Staff Veterinarian, Animal Care Staff, Veterinary Services, Hyattsville, Maryland

Dr. Murray Wardall, Director, Animal Facilities, University of Kansas Medical Center, Kansas City, Kansas

Dr. Donald Johnson, University of Kansas Medical Center, Kansas City, Kansas

Dr. R. L. Pyles, Veterinarian in Charge, Veterinary Services, Jefferson City, Missouri

Dr. A. A. Erdmann, Veterinarian in Charge, Veterinary Services, Madison, Wisconsin

Dr. George Spangler, Veterinarian in Charge, Veterinary Services, Des Moines, Iowa

Dr. Lee Simmons, Director, Henry Doorly Zoo, Omaha, Nebraska

Dr. J. Y. Henderson, Veterinarian, Ringling Brothers Barnum and Bailey Circus

Mr. Gary Clarke, Director, Topeka Zoological Park, Topeka, Kansas - President, American Association of Zoological Parks Association
Mrs. William L. Blue, Vice President, American Horse Protection Association, Great Falls, Virginia

Mr. Bill Craig, Trainer, Cleveland, Missouri

Dr. J. S. Upchurch, Assistant Veterinarian in Charge, Veterinary Services, Jefferson City, Missouri

Mr. Floyd Posenke, President, Trainers Association, Springhill, Missouri

Mr. Ed Sappington, President, Mid America Walking Horse Association, California, Missouri

Mr. Bob Sutherland, Chairman, Horse Show Committee, American Royal, Kansas City, Missouri

Dr. E. H. Nordstrom, Veterinarian in Charge, Veterinary Services, Lincoln, Nebraska

Dr. James Coffman, Assistant Professor of Veterinary Surgery, Missouri University School of Veterinary Medicine, Columbia, Missouri

Dr. L. R. Barnes, Veterinarian in Charge, Veterinary Services, Indianapolis, Indiana

Dr. M. L. Johnson, Veterinarian in Charge, Veterinary Services, Springfield, Illinois

Dr. D. O. Manley, Veterinarian in Charge, Veterinary Services, Topeka, Kansas

Dr. E. M. Joneschild, Veterinarian in Charge, Veterinary Services, Pierre, South Dakota

Dr. Wilson Reynolds, Veterinarian in Charge, Veterinary Services, Cheyenne, Wyoming

Dr. Robert Morgan, Veterinarian in Charge, Veterinary Services, St. Paul, Minnesota

MONDAY

(Chairman) *Dr. R. L. Pyles*

8:00 Welcome.....Dr. Murray Wardall

8:10 APHS - Animal Care Responsibility.....Dr. M. J. Tillery

8:20 Quiz.....Dr. O. F. Clabaugh

8:45 Five Years of Experience.....Dr. C. O. Finch

9:45 BREAK

10:00 AWA of 1970 - "The Act".....Dr. D. F. Schwindaman

11:00 Basic Approach to Experimental Design.....Dr. Donald Johnson

12:00 LUNCH

(Chairman) *Dr. M. L. Johnson*

1:00 CFR 9, Chapter 1, Part 1 - Definitions.....Dr. S. C. Gartman

2:00 Part 2 - Regulations.....Dr. D. F. Schwindaman

4:30 Registration & Licensing.....Mr. Frank Germaine

DINNER

(Chairman) *Dr. Wilson Reynolds*

7:30 Employee Training at a Modern Zoo.....Dr. Lee Simmons

TUESDAY

(Chairman) *Dr. A. A. Erdmann*

8:00 Program Records - Parts 1 and 2.....Mr. Frank Germaine

8:30 Standards - Part 3 (A, B, C, and D).....Dr. D. F. Schwindaman

9:00 Program Records - Part 3.....Dr. S. C. Gartman

9:30 Auction Markets - Trade or Sales Days.....Dr. C. O. Finch

10:00 BREAK

10:20 Program Records - Purpose and Evaluation.....Dr. D. F. Schwindaman

11:00 The Circus.....Dr. J. Y. Henderson

12:00 LUNCH

(Chairman) *Dr. D. O. Manley*

1:00 Exhibitors.....Dr. D. F. Schwindaman

1:20 Zoos, Roadside Exhibits, Menageries.....Mr. Gary Clarke

2:20 Inspection of Circuses, Carnivals, Animal Acts.....Dr. O. F. Clabaugh

3:10 BREAK

3:25 Major Species and Breeds of Exhibit Animals.....Dr. O. F. Clabaugh

4:00 Standards - Part 3 (E) Wild Animals.....Dr. S. C. Gartman

WEDNESDAY

(Chairman)

Dr. George Spangler

8:00 Guidelines for Inspection.....Dr. C. O. Finch
Research Facilities and Sites.....Dr. S. C. Gartman
Dealers.....Mr. Frank Germaine
Exhibitors.....Dr. O. F. Clabaugh

10:00 BREAK

10:20 Evidence: What is It?.....Dr. C. O. Finch

11:00 Violations and their Disposition.....Mr. Frank Germaine

11:30 The Investigative Report of a Violation.....Mr. Frank Germaine

12:00 LUNCH

(Chairman)

Dr. L. R. Barnes

1:00 Exemptions - Research, Schools, Etc.

Hobby Breeders

Others?

Certain Animals as to Use.....Dr. S. C. Gartman

2:00 Applications for Exemptions and our Response.....Dr. C. O. Finch

2:30 Questions Raised by Public and Review of Quiz.....Dr. O. F. Clabaugh

3:00 BREAK

3:15 Introduction to the Training Session - H. P. Act of 1970.....Dr. M. J. Tillery

3:30 Humane Organizations - Their Interest and Impact Upon the Horse

Protection Legislation.....Mrs. Wm. L. Blue

3:45 Legislative History.....Mr. Max B. Heppner

4:00 Review of the Horse Protection Act of 1970 and the

Conference Reports.....Dr. C. O. Finch

DINNER

(Chairman)

Dr. E. M. Joneschild

7:30 Films Depicting the Tennessee Walking Horse and their Gaits. Slide Presentation and

Discussion on What is Soring and Why.....Mr. Bill Craig & Dr. E. G. Ongert

9:30 Open Discussion - Adjourn

THURSDAY

<i>(Chairman)</i>		<i>Dr. Robert Morgan</i>
8:00	Review of Films - Discussion of Boots - and other Training Aids.....	Dr. C. O. Finch
8:30	History of the Tennessee Walking Horse and the Impact of this Legislation on the Breed.....	Mr. Floyd Posenke
9:15	Associations and their Functions.....	Mr. Ed Sappington
10:00	BREAK	
10:15	Horse Show Proceedings - Entry Forms, Class Sheets, Selection of Judges, Judging Proceedings, Etc.....	Mr. Bob Sutherland
11:00	Summary of States Legislations.....	Dr. E. G. Ongert
12:00	LUNCH	
<i>(Chairman)</i>		<i>Dr. J. W. Upchurch</i>
1:00	Field Trip Practical Demonstration of Gaits, Training Proceedings, Training Aids, Shoeing, Etc.....	Trainer Bill Craig Cleveland, Mo.

FRIDAY

<i>(Chairman)</i>		<i>Dr. E. H. Nordstrom</i>
8:00	Review and Comments on Field Trip.....	Panel
8:30	Regulations.....	Dr. E. G. Ongert
9:30	Program Records.....	Mr. Frank Germaine
10:00	BREAK	
10:15	Investigations, Violations - Case Preparation.....	Dr. E. G. Ongert & Mr. Frank Germaine
11:00	Diagnosis of Lameness Inspection and Diagnostic Procedures.....	Dr. James Coffman
12:00	LUNCH	
1:00	Summary - Reasons for Optimism.....	Dr. C. O. Finch
	Questions and Answers.....	Staff
	Presentation of Certificates.....	Staff



SOUTHERN REGIONAL ANIMAL CARE
TRAINING PROGRAM

HUNTSVILLE, ALABAMA

JANUARY 24-28, 1972

SPEAKERS

Dr. J. L. Wilbur, Jr., Regional Director, (S. E. States), Veterinary Services, Hyattsville, Maryland

Dr. C. O. Finch, Senior Staff Veterinarian, Animal Care Staff, Veterinary Services, Hyattsville, Maryland

Dr. B. C. Swindle, Veterinarian in Charge, Veterinary Services, Montgomery, Alabama

Dr. Oscar F. Clabaugh, Staff Veterinarian, Animal Care Staff, Veterinary Services, Hyattsville, Maryland

Dr. S. C. Gartman, Chief Staff Veterinarian, Animal Care Staff, Veterinary Services, Hyattsville, Maryland

Mr. Frank W. Germaine, Program Specialist, Animal Care Staff, Veterinary Services, Hyattsville, Maryland

Mr. Sam Gibbons, President, Mid-South Horse Show Association, Athens, Alabama

Mr. Max Heppner, Information Services, Animal and Plant Health Service, Washington, D. C.

Dr. Fleetwood Hines, Assistant Veterinarian in Charge, Veterinary Services, Montgomery, Alabama

Mr. Dave Hoover, Clyde Beatty Circus, Deland, Florida

Admiral Edward King, Commissioner, National Tennessee Walking Horse Commission, Shelbyville, Tennessee

Mr. John O. Kirby, Stone Mountain, Georgia

Dr. Russell Lindsay, Professor, College of Medicine, University of Alabama, Birmingham, Alabama

Dr. C. J. Mikel, Veterinarian in Charge, Veterinary Services, Atlanta, Georgia
Dr. Ernest C. Ongert, Chief Staff Veterinarian, Animal Care Staff, Veterinary Services, Hyattsville, Maryland

Mr. James Rowland, Chief Judge, National Tennessee Walking Horse Commission, Shelbyville, Tennessee

Dr. Fred G. Schell, Head of Surgery and Medicine (Large Animals), Auburn University School of Veterinary Medicine, Auburn, Alabama

Dr. D. F. Schwindaman, Chief Staff Veterinarian, Animal Care Staff, Veterinary Services, Hyattsville, Maryland

Dr. Bob C. Thompson, Veterinary Medical Office, Veterinary Services, Columbia, Tennessee

Dr. William M. Thompson, Veterinary Medical Officer, Veterinary Services, Camden, Alabama
Mr. Bob Truett, Director, Birmingham Zoo, Birmingham, Alabama

Mrs. Pearl Twyne, President, American Horse Protection Association, Great Falls, Virginia

Mr. Robert O. Wagner, Director, Jackson Zoological Park, Jackson, Mississippi

Dr. Bob Womack
Murfreesboro, Tennessee

MONDAY

(Chairman) Dr. B. C. Swindle

8:00 Welcome ----- Dr. Swindle

8:10 APHS - Animal Care Responsibility ----- Dr. Wilbur

8:20 Quiz ----- Dr. Clabaugh

8:45 Five years of experience ----- Dr. Finch

9:45 BREAK

10:00 AWA of 1970 - "The Act" ----- Dr. Schwindaman

11:00 Basic Approach to Experimental Design ----- Dr. Lindsay

12:00 LUNCH

1:00 Panel of VIC's -"Past, Present and Future"----- Moderator - Dr. Wilbur
 Dr. Harkins, Dr. Becton & Dr.Healy

2:30 CFR 9, Chapter 1, Part 1 - Definitions ----- Dr. Gartman

3:15 BREAK

3:30 Part 11 - Regulations ----- Dr. Schwindaman

5:00 Comments and Discussion ----- Dr. Swindle

DINNER

(Chairman) Mr. F. W. Germaine

7:30 Employee Training at a Modern Zoo ----- Mr. Truett

TUESDAY

(Chairman) Dr. F. Hines

8:00 Program Records - Part 1 and 11 ----- Mr. Germaine

8:30 Standards - Part 111 (A, B, C. and D) ----- Dr. Schwindaman

9:00 Program Records O Part 111 ----- Dr. Gartman

9:30 Auction Markets - Trade or Sales Days ----- Dr. Finch

10:00 BREAK

10:20 Program Records - Purpose and Evaluation and How to Use Them ----- Dr. Schwindaman

11:00 The Circus ----- Mr. Hoover

12:00 LUNCH

1:00 Exhibitors ----- Dr. Schwindaman

1:20 Zoos, (Assoc) Municipal, Roadside, Menagerie ----- Mr. Wagner

1:40 Inspection of Circuses, Carnivals - Touring Shows and Acts ----- Dr. Clabaugh

2:30 Registration and Licensing ----- Mr. Germaine

3:00 BREAK

3:20 Major Species and Breeds of Exhibit Animals ----- Dr. Clabaugh

4:00 Standards Part 111 (E) Wild Animals ----- Dr. Gartman

5:00 Questions and Answers -----Staff

WEDNESDAY

(Chairman) Dr. C. J. Mikel

8:00	Guidelines for Inspection -----	Dr. Finch
	Research Facilities and Sites -----	Dr. Gartman
	Dealers -----	Mr. Germaine
	Exhibitors -----	Dr. Clabaugh
10:00	BREAK	
10:20	Evidence: What is it? -----	Dr. Finch
11:00	Violations and their Disposition -----	Mr. Germaine
11:30	The Investigative Report of a Violation -----	Mr. Germaine
12:00	LUNCH	
1:00	Exemptions - Research - Schools, Etc.	
	Hobby Breeders	
	Others?	
	Certain Animals as to Use -----	Dr. Gartman
2:00	Applications for Exemptions and our Response -----	Dr. Finch
2:30	Questions Raised by Public and Review of Quiz -----	Dr. Clabaugh
3:00	BREAK	
3:30	Introduction to the Horse Protection Act of 1970 -----	Dr. Wilbur
3:45	Humane Organizations - Their interest and impact upon the Horse Protection Legislation -----	Mrs. Twyne
4:30	Legislative History -----	Mr. Heppner
4:45	Review of the Horse Protection Act of 1970 and the Conference Reports -----	Dr. Finch

(Chairman) Dr. Ongert

7:30	"Free and Easy" -Film -----	Dr. Ongert
8:00	What is Soring and Why? -----	Mr. Kirby
8:45	Film "From the Cradle to the Crown" -----	Dr. Ongert

THURSDAY

(Chairman) Dr. W. W. Bird

8:00 Review of Films and Discussions of Gaits ----- Dr. Ongert
 8:15 History of the Tennessee Walking Horse and the Impact of this Legislation
 on the breed ----- Dr. Womack
 9:15 "Associations" and their Present Functions ----- Adm. King
 10:00 BREAK
 10:15 Horse Show Procedures - Entry Forms, Class Sheets, Judging Procedures ----- Mr. Gibbons
 11:00 State Legislation ----- Dr. Ongert & Panel
 11:45 Questions and Answers ----- Staff
 12:00 LUNCH

(Chairman) Dr. B. C. Swindle

1:00 Field Trip

Practical demonstrations of gaits, Training Procedures, Training Aids,
 Shoeing, Etc.----- Local Trainer

FRIDAY

(Chairman) Dr. O. L. Kelsey

8:00 Review of Field Trip ----- Dr. B. Thompson & Dr. W. Thompson
 8:30 Regulations ----- Dr. Ongert
 9:30 Program Records ----- Mr. Germaine
 10:00 BREAK
 10:15 Diagnosis of Lameness
 Inspection and Diagnostic Procedures ----- Dr. Schell
 11:00 Violations - Investigations Case Preparations ----- Dr. Ongert & Mr. Germaine
 12:00 LUNCH

(Chairman) Dr. Finch

1:00 Summary - Reasons for Optimism ----- Dr. Finch
 Questions and Answers ----- Staff
 Presentation of Certificates ----- Staff

UNITED STATES DEPARTMENT OF AGRICULTURE
ANIMAL AND PLANT HEALTH INSPECTION SERVICE
WASHINGTON, D. C. 20250

January 2, 1973

VETERINARY SERVICES MEMORANDUM 596.2

Subject: Horse Protection Act of 1970 - Guidelines For Investigation
and Reporting Alleged Violations

To: Veterinarians in Charge
Veterinary Services

I PURPOSE

The purpose of this memorandum is to offer instructions and guidelines for the investigation and reporting of alleged violations of the Horse Protection Act of 1970 and its regulations.

II GENERAL

Enforcement activities relating to the Horse Protection Act of 1970 have been delegated by the Secretary of Agriculture to the Veterinary Services of the Animal and Plant Health Inspection Service. Enforcement activities require:

1. Our attendance at horse shows and exhibitions;
2. Complete knowledge and understanding of the law and the applicable regulations;
3. Knowledge of horses, horse practices, and horse show procedures;
4. Documentation of apparent violations and their transmittal, in an approved format, to the Office of the General Counsel through your Regional Director.

While involved in the enforcement activities described above, the U.S.D.A. representatives should always offer proper identification to the persons being contacted.

III INSTRUCTIONS

The Horse Protection Act of 1970 specifies three unlawful acts. These are:

1. It shall be unlawful for any person to ship, transport, or otherwise move, or deliver or receive for movement, in commerce, for

the purpose of showing or exhibition, any horse which such person has reason to believe is sore.

2. It shall be unlawful for any person to show or exhibit, or enter for the purpose of showing or exhibiting, in any horse show or exhibition, any horse which is sore if that horse or any other horse was moved to such show or exhibition in commerce.

3. It shall be unlawful for any person to conduct any horse show or exhibition in which there is shown or exhibited a horse which is sore, if any horse was moved to such show or exhibition in commerce, unless such person can establish that he has complied with such rules and regulations as the Secretary of Agriculture may prescribe to prevent the showing or exhibition of horses which have been sore.

While preparing a case for transmittal to the appropriate Regional Director, each of these three unlawful acts must be kept in mind and reference made to each in the inspector's report. If, for instance, a horse has been deemed to be sore, a statement should also be made that the trucker or transporter is or is not in apparent violation and the sponsoring organizations are or are not in apparent violation. If there is an apparent violation, cite the specific sections and/or paragraphs of the law or regulation. It is generally advantageous to have affidavits or statements from all parties who may have pertinent information relevant to the violation. Prolonged efforts to obtain affidavits from people whose statements only collaborate those already obtained, may have an overall detrimental effect on the case. If affidavits from key individuals, such as the owner or trainer of the animal deemed to be sore cannot be obtained, a statement should be made to that effect in the inspector's report.

When preparing affidavits, the persons approached must be advised of their rights to remain silent, that the information given may be used against them, and that they have the right to have an attorney present.

The following can be used as a guideline to prepare Reports of Alleged Violations of the Horse Protection Act:

A. Shipment of a Sored Horse (Section 11.40) (The Trucker or Transporter)

1. Establish the fact that the show is in commerce. Keep in mind that if any horse in the show is in commerce, all horses in the show will

be considered to be in commerce. To establish commerce, it will be necessary to have proof that a horse crossed a State line for the purpose of show or exhibition. Commerce can be documented by an affidavit (preferably) or a statement from anyone saying he brought his horse from one State to another for the purpose of entering and/or showing in competition or as an exhibition at this show, and that the horse was at the show or exhibition.

2. Document the fact that the horse was sore (Veterinary Services Memorandum 596.1).

3. Establish who shipped or transported the sore horse and did he know or have reason to believe the horse was sore while in commerce. This may be done by admission of the trucker or establish proof that he knew the animal was sore or prove that he personally sored the horse. It is possible to have one "case" involving two or more charges against an individual. He may have sored and exhibited the horse as well as being the trucker or transporter.

B. Showing or Exhibiting a Sore Horse or Use of Illegal Equipment and/or Foreign Material (Section 11.2) (Owner, Trainer, or Rider)

1. Establish commerce (as in A-1 above).

2. Document the fact that the horse was sore (Veterinary Services Memorandum 596.1).

3. Determine and document if soring devices or soring methods were observed being used. (Veterinary Services Memorandum 596.1), i.e., boots, foreign material, or heel/toe ratio.

4. If foreign material was observed above the hoof but below the fetlock, be sure to ask if a veterinary certificate was obtained to allow the presence of such material. Any certificate presented, because of 11.2(d), must be specific as to the horse, the injury, and at what specific show the material can be used. Blanket certificates are not acceptable.

5. Establish the fact that the horse was brought to be shown or exhibited. This can be done by means of an affidavit, or by being present on the grounds or in the ring. The horse's name on an entry form will support your contention that the horse was to be brought for show or exhibit but this by itself does not establish that the horse was actually at the show.

6. Establish why the horse left the ring.

a. Was the class over?

b. Did the rider excuse himself?

c. Was the horse excused prior to the end of the class by the judge, steward, or show management?

d. Other (specify).

7. Obtain records which identify the horse, rider, trainer, owner, class, and show. A copy of the official program will be helpful.

8. Attempt to obtain enough information in the investigator's report and/or in affidavits so that liability can be determined. We should know who performed the unlawful act. Was this person ordered to do so, and by whom, or was it an independent action? Was the unlawful act done with the knowledge or approval of the owner? trainer? etc.?

9. Obtain, if possible, relevant affidavits from the judge(s), steward(s), owner(s), trainer(s), show veterinarian(s), and rider. The persons involved in any alleged violation should have the opportunity to make a statement.

10. Affidavits from others can be of value. They should be knowledgeable, reputable people. A strong statement in the affidavits outlining their experience and knowledge is necessary to establish their credibility as a witness.

11. Did the owner or custodian allow the U.S.D.A. inspector to examine the horse at such time and place which the inspector designated? The House and Senate Report state that a refusal to permit such inspections would constitute a violation and expose an individual to the penalties established in Section 6 of the Act.

C. Conducting a Horse Show or Exhibition in Which Sored Horses Were Shown or Were Otherwise in Violation (Section 11.20)

1. Identify the sponsoring organization, the responsible officer, show manager, and their addresses.

2. Establish commerce (as in A-1 above).

3. Provide documentary evidence that the horse was sore or that soring devices or methods were being used (Veterinary Services Memorandum 596.1).

4. Identify the horse, rider, trainer, owner, class, and show in which the horse was shown.

5. Establish that the horse was permitted to show or be exhibited and was not excused from the ring prior to the tying of the class.

6. Document that a veterinarian was or was not hired by show management to attend the horse show for the purpose of determining whether any horses were sored.

7. Establish whether horses designated as sored by the show veterinarian were excused (ANH 19-4). Action must be taken by management or its agents since the show veterinarian is in an advisory position only and has no authority to excuse horses.

8. Examine show records for completeness and compliance with the regulations (Section 11.21).

9. Did show management allow our inspectors free access to all areas of the show grounds and to all records? (Section 11.22 and 11.23). The House and Senate Reports say that failure to keep required records or to provide access to them would represent a violation and expose an individual to the penalties established in Section 6 of the Act.

IV DISCUSSION

The only true evidence of enforcement of the Horse Protection Act of 1970 is the refusal by management, to permit the showing of a sored horse, the reporting of alleged violations, and successful prosecution. Anything less than this, when sored horses are being shown, will only be construed by the public as noncompliance and nonperformance of duty.

To accomplish the purpose of the Act, each tool given us must be used. The provision which authorizes the U.S.D.A. to inspect any horse at any time at the show or exhibition, allows the U.S.D.A. inspection team to present a varied, nonstereotyped procedure which will make it more difficult for anyone to anticipate our actions. Examining the first

three or four horses tied is one good tool but might cause us to overlook the horse that was too sore to perform and was excused or not tied.

The Act is specific regarding the responsibility of those conducting the horse show. The House and Senate Reports both state: "It will be noted that violations are centered upon the horse show rather than on the individual horse which is shipped interstate. The reason for this policy is twofold. It will allow the Department of Agriculture to administer the law without unreasonable burden, and it focuses upon the principal institution--the show or exhibition--which serves to perpetuate the practice of soring. Thus the bill places responsibility on the persons conducting a horse show, as well as on those who participate in it, to make sure that there is compliance with the law." We wish to encourage show management and help them prevent sored horses from showing.

Some things which the U.S.D.A. can reasonably expect from the sponsoring institution are:

1. The hiring of a veterinarian to decide if horses are sored or making that determination themselves.

2. The excusing of sore horses from the class.

3. Giving specific instructions to judges to excuse sored horses. This must include instructing the judges to drop the boots in the ring; so that the pastern area can be observed. Failure of the judges to drop boots should be construed as a deliberate effort to overlook some of the symptoms of a sored horse, illegal equipment or foreign material.

4. Appointing a member of the sponsoring organization or other responsible person to:

- a. Weigh and inspect boots for compliance with the regulations prior to the class;

- b. Determine the presence or absence of foreign material; and

- c. Check the heel/toe ratio.

Even if the sponsoring institution has hired a veterinarian for the express purpose of advising management about sored horses, management is responsible for excusing horses reported as sore by the veterinarian

and is liable for horses otherwise in violation by virtue of the use of illegal equipment, foreign material or improper heel/toe ratios. (Sections 11.1, 11.2, and 11.3).

Although the U.S.D.A. reserves its right under the Act to inspect horses when and where it feels it is necessary, we should plan our work so that we can fulfill our responsibilities with minimum disruption to the horse show and to their operating procedures. Generally speaking, there is no advantage for the U.S.D.A. representatives to call all the horses to an inspection area immediately prior to their class, to inspect and then hold them. This has been tried, unsuccessfully in the early shows. This procedure, however, might be advantageous to show management for their own protection. It would be appropriate for us to be near and observe. At no time should U.S.D.A. representatives attempt to prohibit any horse from showing or cause it to be excused if shown.

The practice of observing the classes perform in the ring and later physically examining those horses which, because of their way of going, suggest the horse may be sore, is good. An examination of a random sampling of horses is also desirable. In order to accomplish these examinations of horses, it is important to have a good inspection area with adequate lighting. Adequate room to examine an animal without interference by onlookers is necessary. This inspection area is best located so that when leaving the ring, the horses are under U.S.D.A.'s direct and constant surveillance, prohibiting the opportunity for the exhibitor, owner, or groom to change horses, boots, or otherwise alter the appearance of the horse.

Inspection or observation of the horses in the unloading, stabling, and warm-up areas, can frequently provide clues to soring. After the horse has been warmed up and shown, detection of the sored horse is more difficult. It is legally permissible to diagnose soring (Veterinary Services Memorandum 596.1) and file a Report of an Alleged Violation against an exhibitor even though the horse has not actually been put in the ring. The present policy of doing most of our work after the horse has been shown, is based on the need and desire to have the show management assume their responsibility to conduct a clean show and not to rely on the U.S.D.A. to assume this responsibility for them.

Diagnosing in the stabling area prior to showing is legally permissible and will not be considered in conflict to the above policy.

BOOT RUBS

The problem of horses developing a "rub" while in the ring is of serious concern to the exhibitor and management as well as to the U.S.D.A.

The rule of reason tells us that a rub can develop in the ring and should not always be construed as a soring violation. However, if this "rubbed" or sore horse is allowed to continue to show, a violation is occurring. It is expected that management will do everything possible to prevent the showing of a sored horse. It is reasonable for us to expect management to order the judges to drop the boots so that a good visual inspection of the pastern area can be made. It is not unreasonable for us to expect the dropping of boots in the ring, since this has been the standard practice for many years prior to the passage of the Act and the inception of the National Tennessee Walking Horse Commission. Horses with rubs should then be excused and all parties will be in compliance with the Act.

BOOTS

Overweight boots continue to be a problem requiring considerable judgement by the inspector. Since a leather bell boot over 16 ounces has been designated as a soring device (Section 11.3), we must maintain close surveillance on the weight of boots. This is necessary not only as a humane requirement, but also to maintain fair competition. The weighing of boots by U.S.D.A. inspectors prior to the showing of the horse, has certain drawbacks. First, it creates the situation whereby we are alleviating management of their responsibility. Secondly, it provides the unscrupulous trainer or exhibitor with the thought that he has now been inspected and that he can alter or change boots. Management should furnish balances and give specific instructions to their own inspectors to inspect and prohibit overweight or otherwise illegal boots, devices, or substances.

U.S.D.A. inspectors must consider such influencing factors as rain, mud, extreme heat and humidity, when weighing boots after the class. Leather bell boots can acquire several ounces of additional weight during these above conditions.

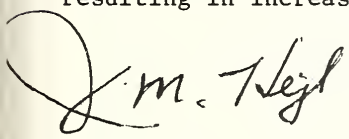
If you are satisfied that boot weighing was conscientiously done prior to the class, you may wish to forego weighing of the boots. If management has not elected to weigh boots prior to a class, we are obligated to at least spot check some for compliance. The inspector's judgement must

prevail when weighing boots under the adverse conditions listed. We feel that no boot will gain in weight more than three ounces during a class.

DIAGRAMS

Attached are line drawings which may be of assistance when documenting an alleged violation. On these drawings, the rub(s), scar(s), calluse(s), sore area(s), and heel/toe measurement can be shown. Boot violations may also be better described by use of a chart.

Since the passage of the Act and publication of the regulations, every effort has been made to advise the industry of their contents and meaning. Innumerable meetings have been held with exhibitors, managers, owners, and trainers prior to, during, and after horse shows to advise them and seek their compliance. Show managers have been contacted in advance and informed that we would be supervising their show so that they would not be in violation. The time for advance notices is almost over. We have reason to believe that all judges, stewards, exhibitors, and veterinarians know of the law and its requirements and that if some sponsoring organizations don't know, there are many to advise them. Unannounced visits to shows are now in order. Economics prohibit most of the preshow visits. Random inspections will allow us to attend more shows, even several in one evening for effective enforcement. If, when an apparent violation is observed, it is documented then and there, the advantage gained by efficient enforcement is immediately achieved, resulting in increased benefits at less cost to the program.

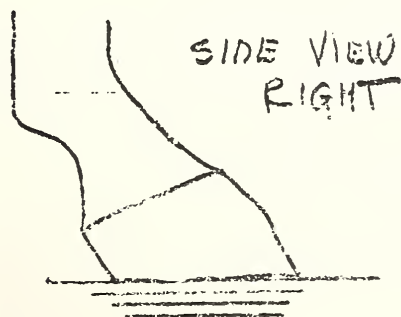
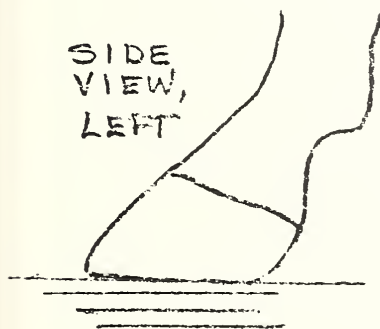
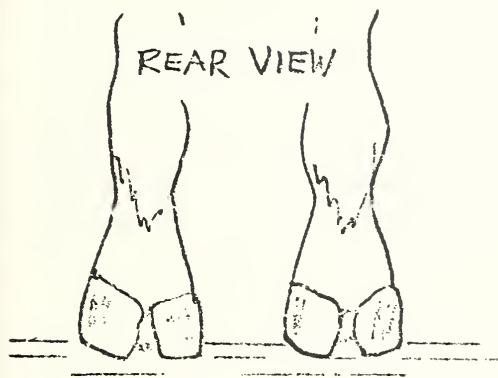
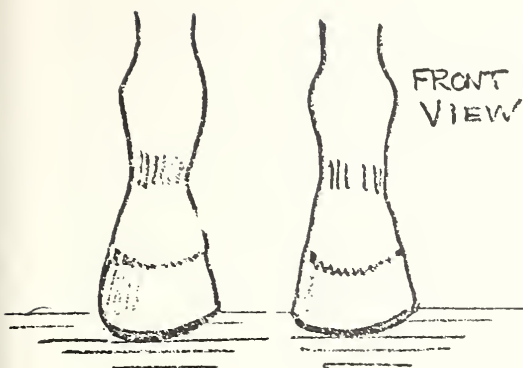


J. M. Hejl
Acting Deputy Administrator
Veterinary Services

Enclosure



VISUALIZATION OF SORING AND SORING DEVICES



Date of Show

1. Name of Horse
2. Class # Exhibitor #
3. Name and Location of Show
4. Name of Owner or Exhibitor at Show
5. Address

Instructions: Use diagrams at left to show location of soreness, open wounds, callouses, scars, foreign substances, etc.

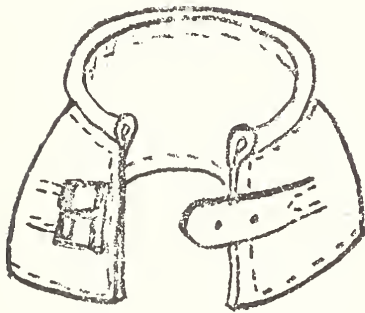
Proof of Violation:

Write narrative description of soreness, use of foreign substance, illegal heel/toe ratio, booting, etc., as necessary. Write on other side and add sheet if needed.

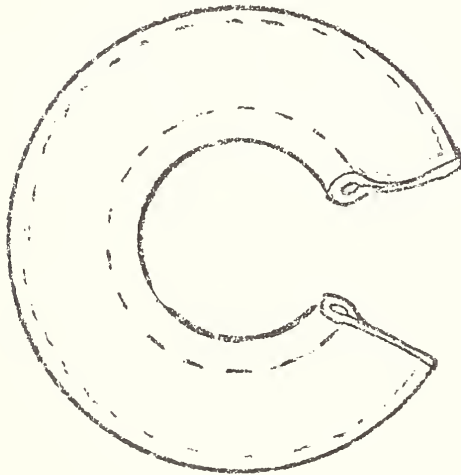
VISUALIZATION OF BOOTS AS SORING DEVICES

(date of show)

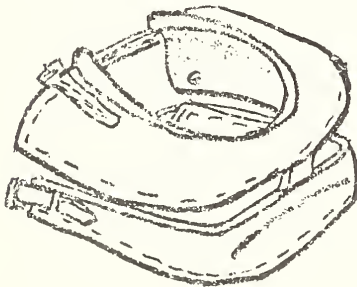
LEATHER BELL BOOT



1. _____ (name of horse)
2. _____ (class #) _____ (exhibitor)
3. _____ (name and location of show)
4. _____ (name of owner or exhibitor at show)
5. _____ (address)



*LEATHER BELL BOOT
(INSIDE VIEW)*



HINGED QUARTER BOOT

INSTRUCTIONS - Use diagrams at left to help describe alleged violations by showing illegal equipment. Deviations from permitted boots, (§11.3) should be identified by arrows or numbers.

PROOF OF VIOLATION - Write narrative description of the apparent illegal device(s) and how they vary from the standard. (§11.3)

PRESS HARD - YOU ARE MAKING 4 COPIES

U. S. DEPARTMENT OF AGRICULTURE
ANIMAL AND PLANT HEALTH INSPECTION SERVICE

NOTICE OF EXAMINATION REQUIREMENT

DATE

NAME & ADDRESS OF HORSE SHOW OR EXHIBITION

CLASS HORSE SHOWN IN EXHIBITOR NUMBER

☐ Pursuant to the Regulations (9 CFR 11.4c) under authority of the Horse Protection Act of 1970 (15 U.S.C. 1821 - 1831) the horse identified above is ordered to be held for examination and shall not be moved from this Horse Show or Exhibition Premise until said examination has been completed to the satisfaction of a Veterinary Services Representative.

☐ It has been agreed that the above described horse shall be moved and will be available for examination as described in the Regulations (9 CFR 11.4c) as follows:

LOCATION FOR EXAMINATION

DATE OF EXAMINATION

SIGNATURE OF CUSTODIAN

TITLE OF CUSTODIAN

SIGNATURE OF VETERINARY SERVICES REPRESENTATIVE

INSPECTED

DATE

TIME

YES ☐ NO ☐

FINDINGS

ANH FORM 19-3 (4/72)

PREVIOUS EDITION
WILL BE USEDVETERINARIAN
IN CHARGE

PRESS HARD - YOU ARE MAKING 4 COPIES

FORM APPROVED
OMB NO. 40-R3751U. S. DEPARTMENT OF AGRICULTURE
ANIMAL AND PLANT HEALTH INSPECTION SERVICEVETERINARIAN'S REPORT
OF EXCUSED HORSE

(Under Horse Protection Act 9 CFR 11)

INSTRUCTIONS: THIS FORM SHALL BE COMPLETED BY EACH VETERINARIAN DESIGNATED BY A SPONSORING ORGANIZATION. THE VETERINARIAN SHOULD GIVE THE JUDGE A COPY BEFORE THE CLASS IS TIED; AND GIVE THE SHOW MANAGER A COPY PRIOR TO THE END OF THE SHOW OR EXHIBITION. THE ORIGINAL SHOULD BE SENT TO THE VETERINARIAN IN CHARGE FOR THE STATE IN WHICH THE HORSE SHOW OR EXHIBITION IS HELD, WITHIN 72 HOURS FOLLOWING CONCLUSION OF THE SHOW OR EXHIBITION.

DATE PREPARED

NAME OF SHOW OR EXHIBITION

CITY & STATE WHERE HELD

CLASS HORSE ENTERED IN EXHIBITOR NO.

FINDINGS

SIGNATURE OF VETERINARIAN

ANH FORM 19-4 (4/72)

PREVIOUS EDITION
WILL BE USEDVETERINARIAN
IN CHARGE

REPORT ON HORSE SHOWS AND/OR EXHIBITIONS

1. STATE WHERE SHOW OR EXHIBIT HELD

IMPORTANT: Prepare weekly and submit one copy to the Veterinarian In Charge of the state where the shows or exhibitions were held, with all "VIC copies" of ANH Form 19-3 attached.

2. DATE OF REPORT

3. No. horse shows attended

4. No. horse exhibitions attended

5. No. horses in show attended (*estimated*)6. No. horses in exhibition attended (*estimated*)7. No. horses inspected (*by observation in classes or on grounds*)

8. No. Notices served
ANH Form 19-3 (*VIC copies attached*)

9. ADDITIONAL PERTINENT DATA OR COMMENTS

10. SIGNATURE OF DIVISION REPRESENTATIVE

11. TITLE

12. DATE SIGNED



STATION REPORT OF HORSE PROTECTION PROGRAM ACTIVITIES		1. STATION	2. REPORT FOR MONTH
3. No. horse shows reported in this month (9 CFR 11.21) (ANH Form 19-1)			
4. No. horse exhibitions reported in this month (9 CFR 11.21) (ANH Form 19-1)			
5. No. horse shows attended			
6. No. horse exhibitions attended			
7. No. horses at shows (estimated)			
8. No. horses inspected (by observation in classes or on grounds)			
9. No. Notices of Examination served (ANH Form 19-3)			
10. No. of Examinations based on ANH Form 19-3			
a. At horse show or exhibition grounds			
b. At other sites			
c. TOTAL (Items 10a + 10b)			
11. No. horses reported to have been excused by			
a. Show management (give reason in item 16 below) (ANH Form 19-2)			
b. Veterinarians (give reason in item 16 below) (ANH Form 19-4)			
c. TOTAL (Items 11a + 11b)			
12. No. cases of alleged violations initiated this month			
13. No. cases of alleged violations completed this month			
14. No. alleged violation cases pending			
15. No. horse shows or exhibitions known to have Tenn. walking horse classes			
16. REMARKS (List reasons given for horses being excused - items 10 & 11 above, and any other pertinent information)			
17. SIGNATURE OF OFFICIAL REPORTING		18. TITLE	19. DATE



Number of horse shows attended by U.S. Department
of Agriculture Personnel 767

Number of horses visually inspected 116,117

Proposed number of horse shows to be inspected	* Average cost per show	Years needed to inspect horse shows
69	\$1,449	14.5
125	1,200	8.0
183	1,093	5.5
239	1,046	4.2
296	1,014	3.4
353	992	2.8
410	975	2.4
467	964	2.1
524	954	1.9
1,057	910	1.0

*
These costs include headquarter and overhead costs.



The TENNESSEE walking horse BULLETIN

PUBLISHED MONTHLY BY
TENNESSEE WALKING HORSE BREEDERS' ASSOCIATION OF AMERICA
P. O. BOX 87, LEWISBURG, TENNESSEE

MAY, 1960

PRESIDENT'S COLUMN

VOL. II, NO. V

A storm of indignation has been spreading like a prairie fire all over the nation in horror and disgust at the soring and cruel treatment to Walking Horses which has become so prevalent in recent years. This problem had become so serious that there was great danger that the Tennessee Walking Horse would be completely maimed and ruined forever if these practices were allowed to continue.

We had protests from newspapers, magazines and from people all over the country crying out against such practices, and it became apparent to your Association and its officers that they must step in and stop all such cruel treatment regardless of whether their actions offended friend or foe--but that for the good of the horse it had to be done! The steps which we took in that connection, in the passage of proper rules and regulations to put an end to such practices, were not taken without due consideration, but on the contrary, we had many meetings of your committees whose members came to such meetings from distant states and any reckless and irresponsible statement from the sore horse crowd to the effect that we made dictatorial rules or that we made frivolous or arbitrary rules to apply only to certain persons are patently false!

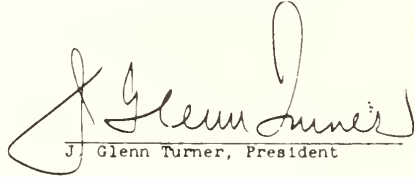
After careful (and even prayerful) consideration of such matter, your committees came up with rules designed to put an end to such practices once and for all and since that time we have been accused of being dictators and of not being cognizant of the needs of the trainers, but, of course to the thinking members of our organization, it will be readily apparent that none of your officers had any axes to grind, but only gave of their time, attention and substance genuinely to try to put an end to all of the ugly charges which confronted the Walking Horse in the field of cruel and inhumane treatment.

The bell boot had become progressively larger and heavier to such an extent that the boot was used to cover up all kinds of cruel and inhumane practices unnecessary to set out here. In fact, some of the boots had chains sewn inside of same and there are all manner of other artificial appliances which were used which I will not set out here. It was imperative and necessary that we correct this situation immediately and hence we passed rules designed to lift the Tennessee Walking Horse out of the morass of ugly charges leveled at it in recent years and to place it on that high level of dignity which it so justly deserved!

As your officials, we are just as anxious as anyone else is, whether it be trainer, exhibitor or owner, to have a proper boot which will solve the problems for which the boot was intended and yet not furnish a cover-up for the cruel and inhumane practices which had been covered up and hidden before by the bell boot. To that end, we have asked the leading boot makers of this nation to come to our next (?) meeting and to bring with them any specimen boots which they feel will result in an improvement over our present hinge boot.

We are anxious to solve these problems and to make any needed corrections or amendments which will assist us in accomplishing that purpose, but we are determined never to compromise this issue but instead to make sure that any improvements which may be suggested will be just, humane and for the good of the Walking Horse cause. We are determined to lift the Walking Horse out of the field of discord and suspicion and as stated above to put the Walking Horse on that high plane, insofar as other breeds of horse are concerned, which it so justly deserved!

Respectfully submitted,



J. Glenn Turner, President

DEPARTMENT OF JUSTICE

UNITED STATES MARSHAL

MIDDLE DISTRICT OF TENNESSEE
NASHVILLE, TENNESSEE 37203

666 U. S. COURT HOUSE
TELEPHONE ~~XXXXXX~~
749-5417

April 4, 1973

Dr. Wiley W. Bird
Animal and Plant Health Service
576 U. S. Courthouse
Nashville, Tennessee 37203

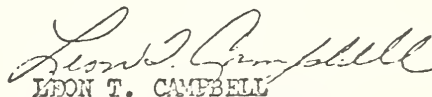
Dear Dr. Bird:

It has been a pleasure for me and my deputies to work with you at some of the horse shows in Middle Tennessee. We have seen evidence of the tensions and pressures that can build up, and only wish that it might be possible to afford U. S. Marshal protection for your men at all shows.

As a Tennessean, I can appreciate the pressure on your men trying to do their job when the difference between winning and placing second might mean a \$100,000.00 difference in the value of the horse. Also, many of the trainers and exhibitors are drinking heavily at the shows and, as tempers get short, there is always the danger of mob action and violence. There is a definite hazard involved that no amount of planning can avoid.

I look forward to working with you in the future.

Sincerely yours,


LEON T. CAMPBELL
UNITED STATES MARSHAL

LTC:vcc



(data as of June 21, 1973)

1. Number of investigative reports reviewed by
USDA for legal sufficiency for determination
as to instituting legal actions 129
 - a. Number of cases forwarded to the
Department of Justice by USDA 65

Note: These 65 cases involved a
total of 69 investigative
reports
 - b. Number of investigative reports, not
involving criminal violations, pending
in USDA for possible institution of
civil action 33
 - c. Number of investigative reports pending
additional investigation to support
determination as to proceeding under
either criminal or civil penalty
provisions of the Act 27
 2. Number of cases filed by U.S. Attorneys in
Federal District Courts 10
 3. Number of criminal prosecutions concluded 2

successful 0^a)
- a) Both cases were terminated with a not guilty finding by the jury for "soring." In one case, the charge of failure to afford access to and opportunity to inspect a horse was upheld and a \$250 fine was imposed.



NEWS

U. S. DEPARTMENT OF AGRICULTURE

MISSOURI HORSEMAN CHARGED WITH VIOLATING HORSE PROTECTION ACT:

WASHINGTON, Feb. 5--James H. Altman, an Arnold, Mo., horse owner and exhibitor, who was charged by the U.S. Department of Agriculture (USDA) with "soring" a Tennessee Walking Horse in violation of the Horse Protection Act of 1970, pleaded not guilty at his arraignment Feb. 2.

Officials of USDA's Animal and Plant Health Inspection Service (APHIS), which enforces the Act, said the case was filed in Peoria, Ill., on Jan. 22 by the U.S. Attorney acting in USDA's behalf.

The Government alleges that Mr. Altman caused the front legs of his Tennessee Walking Horse--Romeo's Last Chance--to be sore in order to accentuate its gait during horse show competition. It further alleges that he transported this sore horse across a State line in violation of the Act, and treated the front legs of the horse with a greasy substance.

APHIS officials gave three reasons why the front legs of a horse may not be covered with greasy substances during competition. First, they can be used as a base for chemicals that make horses sore. Second, they can be used to hide painful cuts and bruises. Third, they pick up sand and grit from the track, which can cause abrasions if rubbed into the leg by the boots commonly worn by horses during competition. Prescribed salves, however, may be applied to a specific cut or bruise on the written recommendation of a veterinarian.

Mr. Altman's horse was entered in the 15th Annual Threshermen's Reunion Society Horse Show in Pontiac, Ill., on Sept. 2, 1972. However, he and the horse did not compete in its class, allegedly because the management disqualified the horse. APHIS veterinarians who examined the horse afterwards alleged that it was "sore" and bleeding from a cut on the left front pastern, and that a greasy substance covered both front pasterns. - more -

The Horse Protection Act and its regulations set both civil and criminal penalties for exhibitors, horse owners, and horse show managers responsible for violations. However, officials say that APHIS does not have authority to remove a "sored" horse from competition, halt the class in which it is being shown, or have persons arrested who are suspected of transporting or exhibiting a "sored" horse.

APHIS officials said that Mr. Altman will be tried in Peoria on Apr. 20. If convicted, he faces maximum penalties of a \$2,000 fine, imprisonment up to six months, or both.

- - - - -

USDA 349-73

NEWS

U. S. DEPARTMENT OF AGRICULTURE

KENTUCKY HORSEWOMAN ACQUITTED OF "SORING", FINED FOR IMPEDING INSPECTION:

WASHINGTON, June 7--Mrs. Madrian Lee, a Bowling Green, Ky., horsewoman yesterday (June 6) was acquitted of charges that she "sored" a Tennessee Walking Horse in violation of the Horse Protection Act of 1970--but was fined \$250 for obstructing and impeding a government inspector at a horse show.

The acquittal on two counts of alleged soring and the conviction on the one count of impeding inspection was handed down by a jury in the U.S. District Court for the western district of Kentucky, Bowling Green division.

Charges had been brought against Mrs. Lee by the U.S. Attorney as a result of an investigation by the U.S. Department of Agriculture (USDA). Officials of USDA's Animal and Plant Health Inspection Service (APHIS) alleged that Mrs. Lee caused the front legs of a Tennessee Walking Horse to be sore in order to accentuate its gait during competition at the Monroe County Fair and Horse Show in Tompkinsville, Ky., on Aug. 4, 1972 (press release USDA 603-73). The government further alleged that Mrs. Lee had equipped her horse with illegally designed boots--collar-like devices worn above the front hooves of Tennessee Walking Horses to encourage a higher step in the show ring.

The government further charged that Mrs. Lee had obstructed and impeded the APHIS inspector at the show. The Horse Protection Act requires that inspectors be given access and opportunity to inspect horses at shows, yet Mrs. Lee had given a false exhibitor's number, threatened and abused the inspecting veterinarian, and interfered in other ways with the inspection.

The Horse Protection Act prohibits exhibitors, trainers, and horse owners from using painful methods to accentuate a horse's gait in the show ring and holds horse show management responsible for allowing "sored" horses to compete. The Act does not grant APHIS officials authority to remove a "sored" horse from competition, halt the class in which it is being shown, or arrest persons who are suspected of transporting or exhibiting a "sored" horse.

UNITED STATES DEPARTMENT OF AGRICULTURE
ANIMAL AND PLANT HEALTH INSPECTION SERVICE
WASHINGTON, D.C. 20250

Honorable John V. Tunney
United States Senate

Dear Senator Tunney:

The following report regarding the U.S. Department of Agriculture's efforts to engender State's assistance in enforcing the Horse Protection Act of 1970 and what the Department's plans are for the future in this regard are submitted as requested by you during the oversight hearings held on May 2, 1973, in room 5110, the New Senate Office Building.

Efforts to understand the law, meet with interested, knowledgeable, and concerned people, and develop an enforcement program are illustrated on the attached program chronology. Although assistance as described in Section 3 of the Act is restricted to the U.S. Department of Agriculture and officers and employees of any State, help can come from many quarters by means of information, suggestions, cooperation, and compliance.

In January 1971, contact was made with officers of the United States Animal Health Association to determine what help could be expected from the various States in the enforcement of this Act. This organization is comprised of all State veterinarians and approximately fifty committees and subcommittees comprised of representative members of all phases of the livestock industry including research and regulatory.

The organization responded with the selection of a four-man committee representative of their four regions who would meet with us. This meeting took place in Hyattsville, Maryland, on March 31, 1971.

At this meeting, all aspects of the law and the problem of soring was discussed. It was brought out that no State had an anti-soring law although some, such as Tennessee, had attempted unsuccessfully to pass one. The fact that virtually most, if not all States, had anti-cruelty laws which could have been used over the years as a control of this practice was also brought out.

The consensus of this committee was that unless each State passed similar or identical legislation, it would be quite impossible to use State men or money to enforce a Federal act. They also pointed out that since the Horse Protection Act of 1970 limited the appropriation to \$100,000, there would be no significant Federal money available to reimburse the States for any assistance.

Locally, there were three States that assisted us at horse shows in a very limited way, and U.S. Marshals were called for assistance in five States. Our inspectors have reported conversations with local enforcement men who were on horse show grounds for purposes of peaceful assembly. Generally they, as well as other security guards hired by show management, would try to keep the peace at the horse show but would not offer safe departure from the grounds for our inspectors.

The seriousness of this problem is brought out by a horse show held in Illinois last summer under the auspices of the local police department. Feedlings ran so high against the local veterinary practitioners who were screening horses for the management, that both nights of the horse show they called in a special squad of officers to escort the practitioners safely from the grounds to their offices some miles away.

It has been determined that there are two general needs for effective enforcement of the Horse Protection Act of 1970. The first has to do with legal considerations and will be negotiated through the Office of the General Counsel by means of regulations and Congress. The second has to do with field activities.

The needs in the field are for more and better coverage at horse shows and exhibitions. This increase in activities could be achieved by use of officers and employees of the States. Our needs here fall in two categories. The first is the need for State veterinarians and livestock inspectors to assist in the diagnosing of soring and gathering of facts to be incorporated into an investigative file. The second is the need for police officers so that there will be no interference with performance of duty.

In an effort to acquire State assistance, we shall ask our veterinarians in charge to contact their counterpart with a full explanation of the Act and its regulations. We will further ask that the veterinarian in charge take this problem with his counterpart to the chairman of the board of agriculture, or a person of similar position, with the recommendation that it be able to know what can be done to obtain technical and professional assistance at the horse shows as well as learning of the availability of uniformed police.

Where assistance can be and is offered, steps will be taken to incorporate them in our activities.

We shall continue working with other groups such as humane societies, the American Horse Council, the U.S. Department of Agriculture Horse Advisory Committee, the American Association of Equine Practitioners, and equine enthusiasts to enlist their thinking and support to further our enforcement efforts.

Sincerely.

/s/ J. M. Hejl
Acting Deputy Administrator
Veterinary Services

Enclosure



MEETINGS AND OTHER INPUTS TO PREPARE USDA REGULATIONS FOR THE
HORSE PROTECTION ACT OF 1970

- 12/9/70 - Enactment of the Horse Protection Act of 1970.
- 12/17/70 - Meeting with Tennessee Walking Horse Breeders and Trainers Association.
- 1/5/71 - Meeting with Karl Yenser, Representative of the American Horse Show Association.
- 1/9/71 - Meeting with Tennessee Walking Horse Breeders and Trainers Association.
- 1/19/71 - Meeting with Animal Health Division personnel knowledgeable in the practice of soring.
- 1/28/71 - Meeting with California Walking Horse Association.
- 1/29/71 - Meeting with Northern California Tennessee Walking Horse Association.
- 2/2/71 - Meeting with Owners and Breeders.
- 2/3/71 - Meeting with Humane Groups.
- 2/4/71 - Meeting with Horse Trainers.
- 2/5/71 - Meeting with Horse Show Managers.
- 2/6/71 - Meeting with Walking Horse Owners Association.
- 3/12/71 - Nashville Tennessean.
- 3/27/71 - Meeting with Tennessee Walking Horse Breeders Association.
- 3/31/71 - Meeting with United States Animal Health Association Representatives.
- 4/30/71 - Meeting with Tennessee Walking Horse Trainers Association.
- 5/19/71 - Meeting with Mrs. Pearl Twyne, President of the Horse Protection Association.
- 5/21/71 - Meeting with the American Walking Horse Association.
- 6/10/71 - Meeting with Admiral Edward R. King, Commissioner of the National Tennessee Walking Horse Commission.
- 7/1/71 - Published Proposed Regulations.
- 7/13/71 - Meeting with National Tennessee Walking Horse Commission.
- 7/27/71 - Meeting with President of Tennessee Walking Horse Association.
- 7/27/71 - Meeting with Admiral Edward R. King, Commissioner, NTWHC.
- 7/28/71 - Meeting with Mr. Luther C. Robie, Chemist.
- 8/3/71 - Meeting with Kentucky Show Managers Association.
- 8/4-6/71 - Observe Kentucky Celebration Horse Show - Training Federal Veterinarians in Kentucky.

- 8/24/71 - To Los Alamos, New Mexico, to review soring diagnostic procedure with scientists working there.
- 9/11 -
 - 12/71 - Attended short course on equines at Ohio State University, Columbus, Ohio
- 10/18 -
 - 21/71 Attended Pennsylvania National Horse Show, Harrisburg, Pennsylvania
Training enforcement officer
- 10/22/71 - Meeting with Admiral Edward R. King, Commissioner, National Tennessee Walking Horse Commission
- 10/24 -
 - 26/71 - Attended United States Animal Health Association Meeting
- 10/28
 - 31/71 - Attended Washington International Horse Show - Training Maryland Federal Veterinarians on request of Washington, D.C.
District Attorney
- 11/2/71 - Meeting with Humane Officers and Dr. F. J. Mulhern
- 11/3/71 - Meeting with Senator Cook and Dr. R. S. Sharman
- 11/4/71 - All comments have been reviewed and regulations republished as proposed regulations due to significant changes.
- 11/15/71 - To Baltimore training stable with U.S. Department of Agriculture photographer - preparation of training slides
- 11/23/71 - Meeting in Hartford, Connecticut with Connecticut Horse Council
- 11/29/71 - To Ames, Iowa, to evaluate and develop mechanical diagnostic methods.
- 12/7/71 - Meeting at Beltsville, Maryland, regarding above item.
- 12/14/71 - Meeting with American Horse Council regarding proposed regulations
- 1/11/72 - Meeting in Roanoke, Virginia, with Horse Practitioners and Walking Horse Association members
- 1/24 -
 - 28/71 - Training meeting with three veterinarians from each State in the Southeast
- 2/1/72 - Review of all comments received completed and regulations published in the Federal Register on this date

UNITED STATES DEPARTMENT OF AGRICULTURE
ANIMAL AND PLANT HEALTH INSPECTION SERVICE
VETERINARY SERVICES
FEDERAL CENTER BUILDING
HYATTSVILLE, MARYLAND 20782

December 1, 1972

Subject: Horse Protection Act of 1970 - Razorback Charity Walking
Horse Show, October 20 - 21, 1972, Little Rock, Arkansas

To: O. L. Kelsey
Veterinarian in Charge
Veterinary Services
Little Rock, Arkansas

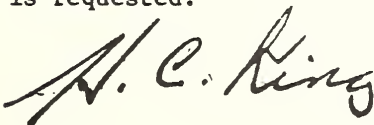
Enclosed is a letter forwarded to Dr. E. G. Ongert by Mrs. Pearl
Twyne regarding the Razorback Charity Horse Show.

Although enforcement of the Act is ours, it can be possible to consider
prosecution if enough evidence can be gathered from knowledgeable,
reputable citizens even when U.S. Department of Agriculture
representatives are not at a show.

Although the evidence will have to be strong since it may, in this
case, be at variance with statements of show management, judges, and
possibly a show veterinarian, we feel an effort should be made in
this direction.

It would be appreciated if the Carys could be contacted so that a
determination can be made as to whether or not a case should be
instigated.

A report to me or the Animal Care Staff regarding your initial contact
is requested.

A handwritten signature in dark ink, appearing to read "H. C. King". The signature is fluid and cursive, with the first letters of each word being capitalized and prominent.

H. C. King
Regional Director - Southeast

Enclosure



January 15, 1973

Subject: Horse Protection Act - Razorback Charity Walking Horse
Show, October 20-21, 1972, Little Rock, Arkansas

To: H. C. King, Regional Director - SE
APHIS, VS, Hyattsville, Maryland

Mr. W. R. Henson, our Investigator, recently called on Mr. & Mrs. J. Otis Cary of Route 1, Box 241A, El Dorado, Arkansas, regarding the alleged violation they reported to Mrs. Pearl Twyne regarding the above show.

Mr. Henson reported that although the Carys appeared to be most sincere in their reporting of the sores on the horse, they decided not to give an affidavit regarding their observations. Their reasons were that should they have to appear in court as witnesses, a counter suit might be developed against them.

Mr. Henson did get a promise that should they observe sores on horses at future shows they would bring it to the attention of the show management and the USDA inspectors.

Oren L. Kelsey
Veterinarian in Charge
Animal Health

